

1 FEDERAL SUBSISTENCE BOARD  
2  
3 PUBLIC REGULATORY MEETING  
4  
5  
6 VOLUME I  
7  
8 MARRIOTT HOTEL  
9 ANCHORAGE, ALASKA  
10  
11 MAY 16, 2006  
12 8:30 o'clock a.m.  
13  
14 MEMBERS PRESENT:  
15  
16 MITCH DEMIENTIEFF, CHAIR  
17 JUDY GOTTLIEB, National Park Service  
18 NILES CESAR, Bureau of Indian Affairs  
19 GEORGE OVIATT, Bureau of Land Management  
20 PAUL BREWSTER, U.S. Forest Service  
21 GARY EDWARDS, U.S. Fish and Wildlife Service  
22  
23 WAYNE REGLIN, State of Alaska Representative  
24  
25 KEITH GOLTZ, Solicitor's Office  
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P R O C E E D I N G S

(Anchorage, Alaska - 5/16/2006)

(On record)

CHAIRMAN DEMIENTIEFF: Okay, we'll go ahead and call the meeting to order. Corrections or additions to the agenda -- oh, wait. For years and years Tom has been making me these opening remarks and they're usually the first things I throw away but since this is his last hooray, I'm going to read them verbatim and if you guys can buddy up with each other and if you go to sleep during the opening comments then you can kindly nudge each other and wake each other up but he's really not used to this because I don't usually use them, usually I have my own opening remarks.

(Laughter)

CHAIRMAN DEMIENTIEFF: So here we go.

Good morning. At this time I'd like to call the meeting to order.

(Laughter)

CHAIRMAN DEMIENTIEFF: First let me welcome everyone to this meeting of the Federal Subsistence Board.

(Laughter)

CHAIRMAN DEMIENTIEFF: Anyway, we know he's got well intentions and I just wanted to acknowledge that he does his job, but, yeah, I hope everyone's having a good a spring as we've had at home.

(Laughter)

CHAIRMAN DEMIENTIEFF: We've already passed you guys up in weather here. I had a wonderful trip to Sitka. Got one coming up to Kodiak and actually I happen to get on the plane flying down here and wouldn't you know it, but I happened to have two -- my two seat mates were from Kodiak so I got my ears bent quite a bit on the 45 minute flight down here. I was glad to have the opportunity to talk to them but I was also glad that the flight was only 45 minutes long. But it was fun though.

1 (Laughter)  
2  
3 CHAIRMAN DEMIENTIEFF: Anyway so we're  
4 here, we have wonderful weather outside so we're going to  
5 do our best to try to do diligence and get done so we can  
6 be outside and enjoy the beautiful weather that we're  
7 having this time of year, so sorry Tom but I'll keep your  
8 opening remarks here close to my heart.  
9  
10 (Laughter)  
11  
12 CHAIRMAN DEMIENTIEFF: Okay, with that,  
13 agenda changes.  
14  
15 MS. GOTTLIEB: Mr. Chair.  
16  
17 CHAIRMAN DEMIENTIEFF: Yes.  
18  
19 MS. GOTTLIEB: I would like to request  
20 that we hear Proposal 60 at 8:30 tomorrow morning as we  
21 start because of the availability of our Staff person  
22 tomorrow morning, I would appreciate that.  
23  
24 CHAIRMAN DEMIENTIEFF: Can do.  
25  
26 MS. GOTTLIEB: Introductions.  
27  
28 CHAIRMAN DEMIENTIEFF: I guess I must be  
29 thinking of the warm weather. My name is Mitch  
30 Demientieff and I'm the so-called Chairman of the Federal  
31 Board, and appreciate everybody being here. And with  
32 that we'll go around the table. Keith.  
33  
34 MR. GOLTZ: I'm Keith Goltz from the  
35 Solicitor's office.  
36  
37 MS. GOTTLIEB: Good morning. Judy  
38 Gottlieb from the National Park Service.  
39  
40 MR. EDWARDS: Gary Edwards, Fish and  
41 Wildlife Service.  
42  
43 MR. BREWSTER: Good morning. Paul  
44 Brewster from the U.S. Forest Service.  
45  
46 MS. CROSS: Grace Cross, Seward Penn.  
47  
48 MR. STONEY: Raymond Stoney, from the  
49 RAC, Kiana.  
50

1 MS. SEE: Good morning. Marianne See  
2 with Alaska Department of Fish and Game.  
3  
4 MR. HAYNES: Terry Haynes. Department of  
5 Fish and Game.  
6  
7 MR. DOUGHERTY: Steven Dougherty. Alaska  
8 Department of Law.  
9  
10 MR. WILDE: Harry Wilde. Yukon-Kuskokwim  
11 Delta Regional Council Chair.  
12  
13 MS. LYONS: Nanci Lyons. Bristol Bay.  
14  
15 MR. BLOSSOM: Doug Blossom. Southcentral  
16 RAC.  
17  
18 MS. GARZA: Dolly Garza. Southeast.  
19  
20 MR. OVIATT: George Oviatt. Bureau of  
21 Land Management.  
22  
23 MR. CESAR: Niles Cesar with the Bureau  
24 of Indian Affairs.  
25  
26 MR. BOYD: Tom Boyd. Office of  
27 Subsistence Management, Fish and Wildlife Service.  
28  
29 CHAIRMAN DEMIENTIEFF: Okay. Public  
30 comment on -- and those of you, again, I'll remind you  
31 that the table out in front of the meeting room here has  
32 testimony request forms so those of you who wish to  
33 testify, please, go ahead and fill them out.  
34  
35 With regard to non-agenda items, we have  
36 two requests. Willard Jackson is the first one.  
37  
38 MS. HAWKINS: He's out of the room right  
39 now.  
40  
41 CHAIRMAN DEMIENTIEFF: Okay, so Merle are  
42 you ready to -- okay, go ahead, you can go first.  
43  
44 MS. HAWKINS: Good morning. My name is  
45 Merle Hawkins, Ketchikan Indian Community. I'm here to  
46 testify regarding rural status for Ketchikan. My  
47 understanding is that decision will be made soon and this  
48 is our last opportunity to testify.  
49  
50 I believe that Staff did distribute a

1 resolution from Ketchikan Indian Community, did everybody  
2 get that.

3

4 (Board nods affirmatively)

5

6 MS. HAWKINS: I also have a draft copy of  
7 the executive summary of the Ketchikan Household Survey,  
8 my other Council member ran down to make more copies, I  
9 don't think I have quite enough copies for everybody, but  
10 we'll get those distributed.

11

12 So the resolution is:

13

14 Ketchikan Indian Community Tribal Council  
15 accepting the results of the Community Household  
16 Subsistence Resource Survey results.

17

18 I'd like to thank the BIA for the funding  
19 to do the subsistence survey and I'll read the highlights  
20 of it.

21

22 Ketchikan entered into a grant with the  
23 BIA to conduct a random household survey  
24 regarding subsistence resource use in the  
25 Ketchikan area;

26

27 Whereas, the survey was conducted from  
28 January 10th through January 13th, 2006  
29 by KIC Staff and trained contractors.  
30 The survey results were analyzed by  
31 Kawarek, an independent subcontractor  
32 with experience in subsistence household  
33 survey analysis in February and March of  
34 2006;

35

36 Whereas, the preliminary survey results  
37 show that Ketchikan household use, uses  
38 an estimated 224 and a half pounds of  
39 resources per year and an estimated 87.9  
40 pounds of resources per person. The  
41 survey results show that fish, including  
42 halibut, king and coho salmon were the  
43 three most important species used by the  
44 community members;

45

46 Whereas, the survey results show that the  
47 dungeness crab, shrimp, blueberry,  
48 salmonberry, huckleberry, deer, and  
49 sockeye rounded out the top 10 important  
50 species harvested;

1 Now, therefore, in consideration of the  
2 above facts, it is resolved by the Tribal  
3 Council of the Ketchikan Indian Community  
4 to accept the results of the Ketchikan  
5 Random Household Survey conducted January  
6 10th through February 13th, 2006;

7  
8 Be it further resolved, Section I, that  
9 Ketchikan does possess significant  
10 characteristics of a rural nature because  
11 of high harvest levels by community  
12 members;

13  
14 Section II, that Ketchikan should be  
15 reclassified as rural;

16  
17 Section III, this resolution is in effect  
18 upon adoption.  
19

20 This was adopted -- it's supposed to be  
21 adopted tonight but the survey results were ratified by  
22 the full Tribal Council, and let's see, I also have a  
23 copy of the executive summary. The Ketchikan Household  
24 Survey -- I won't read the whole thing, but this  
25 summarizes that the survey was done in the community. We  
26 hired a local project leader, the survey was done by  
27 community members that are familiar with the households  
28 of the area and so this will help you because the survey  
29 results are much longer longer than this, so that will  
30 help in making that decision.  
31

32 Other comments I have. I did bring Mr.  
33 Willard Jackson with me. He's a local Tongass Tribe  
34 member, which are the original residents of Ketchikan and  
35 he will cover much of the customary and traditional use  
36 of the area. That it's been a long established  
37 consistent pattern of use using beliefs and customs that  
38 have been transmitted from generation to generation and  
39 has continued to be done. In the community of Ketchikan,  
40 we've had a Johnson O'Malley program, which brings  
41 education into the school system and our children in the  
42 community, not only the Native children but the non-  
43 Native community learn the values of our subsistence and  
44 they participate in the subsistence activities and the  
45 economy. Another way this is done through our tribe is  
46 the Ketchikan Indian Community sponsors a cultural camp  
47 to teach our children about harvesting of salmon and  
48 other resources, the plants, the berries and other  
49 things.  
50

1                   And so I would just like to encourage  
2 this Board, the Federal Subsistence Board, to seriously  
3 consider that Ketchikan has proven that we have customary  
4 and traditional use of our resources and we have had for  
5 generations and we should be reclassified as a rural  
6 community.

7  
8                   That about concludes my testimony right  
9 now.

10  
11                   CHAIRMAN DEMIENTIEFF: Thank you, very  
12 much. Any questions. Go ahead, Gary.

13  
14                   MR. EDWARDS: Yes, thank you for your  
15 testimony. Who was the subcontractor that you used to  
16 assist you with the survey?

17  
18                   MS. HAWKINS: The Ketchikan Indian  
19 Community received the grant from the BIA and the lead  
20 project leader was Kathleen Yar, she was hired by the  
21 tribe and she hired the six surveyors from the community.

22  
23                   MR. EDWARDS: Do you know what her  
24 background is or.....

25  
26                   MS. HAWKINS: Kathleen Yar?

27  
28                   MR. EDWARDS: Yes, ma'am.

29  
30                   MS. HAWKINS: Yeah. Kathleen Yar once  
31 worked for Ketchikan Indian Community. She was a  
32 substance abuse counselor and she's also been a teacher  
33 in the Ketchikan community and she's received a lot of  
34 training, and she does special workshops for our tribe  
35 regarding life skills and those types of things.

36  
37                   Dolly, did you have more information than  
38 I do, I wasn't involved in her hiring?

39  
40                   CHAIRMAN DEMIENTIEFF: Go ahead, Dolly.

41  
42                   DR. GARZA: Thank you, Mr. Chair. I'd  
43 like to clarify that. I am the lead PI for this project  
44 and I have 23 years with the University of Alaska as a  
45 professor so I did oversee the project. Kathleen's main  
46 purpose was to oversee the hiring of the six surveyors  
47 and to make sure that the surveyors continued through.  
48 I, along with the BIA, did the training for the people  
49 that did the survey project, and then also wrote the  
50 report as well as the executive summary.

1                   So if there are further questions I would  
2 be glad to answer those.

3  
4                   MR. EDWARDS: Yeah, I had one more  
5 question, and that is was the survey conducted just of  
6 the Ketchikan Indian Community or the entire community of  
7 Ketchikan?

8  
9                   DR. GARZA: Thank you, Mr. Chair. The  
10 household survey was done for the Ketchikan community so  
11 that is the area of Ketchikan as defined by the Federal  
12 Subsistence Board including Penik Island, Gravina Island,  
13 from the north end to the south end, they're sort of  
14 these random markers. It included about 5,900 households  
15 of all households that we could identify through the tax  
16 process, so Native and non-Native. We had an estimate of  
17 what percent of those households may be Native and so we  
18 did try to estimate whether or not we were getting the  
19 ratio but the household survey was totally random and was  
20 irrespective of race.

21  
22                   MR. EDWARDS: I guess one last question.  
23 Is the survey and the results going to be made available?

24  
25                   DR. GARZA: Thank you, Mr. Chair. Yes,  
26 they will. We did have the analysis that was done  
27 through Kawarek up in Nome, who has done this type of  
28 work for ADF&G and I think for a couple other agencies,  
29 we're still finalizing that data. We have the copy for  
30 you, which is an executive summary, it has draft stamped  
31 on it. The survey itself in draft form, it's my  
32 understanding, through Merle, was just accepted by the  
33 Council, but they still have to accept it at a Council  
34 meeting, at which point it is their document to  
35 distribute and then it will become public. It has not  
36 been distributed to this date because it has not gone  
37 before the Council.

38  
39                   CHAIRMAN DEMIENTIEFF: Any other  
40 questions.

41  
42                   (No comments)

43  
44                   CHAIRMAN DEMIENTIEFF: Thank you, once,  
45 again. I see Willard got in the room so we'll go ahead  
46 and call on him when he's ready.

47  
48                   MR. JACKSON: Good morning. My name is  
49 Willard Jackson. I'm a Council member for Ketchikan  
50 Indian Community. But I'm also a Teikukeidi in the



1 Ketchikan area, Tongass Tribe. When you look at uniforms  
2 for people in the back here, U.S. Forest Service, you're  
3 aware Tongass National Forest, that's where the name came  
4 from. I'm Teikukeidi. My cousin sits in the back of me,  
5 Tom Harris, and one of Hitsani's clan speakers for the  
6 Tongass people in the Ketchikan area.

7  
8 I'm a culture teacher at Culture Camp. I  
9 do subsistence in my area. I'll be 59 years old on  
10 Friday and subsistencing with my grandmother and with  
11 Tom, since we were children in the Ketchikan area.

12  
13 The history of subsistence, in my  
14 personal opinion, and this is only mine, should be  
15 placed, another word there, it's a way of life, it's the  
16 way it was, and the way it's going to be in the future  
17 for our ancestors and our children. We try to teach our  
18 children from the time they're small, our grandchildren  
19 up to today what culture and tradition means. Anything  
20 you do in the forest, anything you do on the land has the  
21 spirit walk with them, and that deals with subsistence  
22 and a way of life and who we are as First Nation people.  
23 Subsistence and the way of life is nothing new, we're the  
24 Tlingit people and my brothers and sisters of this great  
25 region of Alaska, it's been a way of life since time  
26 immemorial and it will continue way after you and I are  
27 gone from this table and great discussions that we have  
28 to discuss and what can we do to supplement subsistence  
29 for our people.

30  
31 Culture and our lifestyle were not  
32 emulate (ph) Moran Sisters (ph), those of you that are  
33 First Nation people and people of this great land, the  
34 region of Alaska, you are your ancestors, they live  
35 within you and you know who you are, you that are sitting  
36 at this table. You are great leaders. There's not one  
37 amongst you that I can say I personally know in the  
38 reality of life, the history of Ketchikan goes back  
39 10,000 years. When you look at the Unuk River, when you  
40 look at the Stikine River, they all intertwine with one  
41 another, and subsistence began back then and it continues  
42 today. It's a harsh word to teach our children what they  
43 can't do and when they can't do it and getting permits  
44 when our ancestors really didn't need them at the time,  
45 they knew how to walk through this land and take what  
46 they needed and let the rest be for the next coming  
47 season.

48  
49 There's a story of the great migration of  
50 the bear, who I am, I'm Teikukeidi, I'm brown bear. When

1 you look at the great nation of the Tlingit Nation, that  
2 nation was created by the brown bear, that's my people.  
3 We are the lost tribe of the Southeast Tribe. Never been  
4 recognized in the Land Claims. Never been recognized as  
5 a tribe. But, yet, we're the oldest tribe in existence  
6 in Alaska. And I'm here to talk on behalf of the  
7 Ketchikan Indian Community, and the survey and our  
8 subsistence use and our Culture Camps and the way of life  
9 and the way it's going to be well after I'm gone.

10

11                   There was a story of the great migration  
12 of the bear, who, during the flood, that they talk about  
13 20,000 years ago, and that movement and the flood the  
14 bears, and the animals of this great world were moving to  
15 the Interior and they met, just like we are today, a  
16 great meeting to discuss how we're to process food and  
17 when we're to do it, and how much we're to eat and how  
18 much one should have in poundage. They were at this  
19 meeting and they were meeting as animals do and  
20 discussing, the Interior people were discussing how they  
21 could talk to their migrating relatives that came from  
22 the sea, that was us, they came to this bear and asked  
23 her to make a statement, she was one of the migrating  
24 bears, and she said she had no comment, so the meeting  
25 went on like we're doing today, and this BlueJay from the  
26 Interior asked the bear, to make a closing statement and  
27 this is what she said:

28

29                   She stood up and this is what the bear  
30 said, I know what I know what I know. I  
31 know what I have to do to survive.

32

33                   The great Alaska Nation of people know  
34 what they have to do to survive in subsistence, it's a  
35 way of life, it's the way it's going to be, it's the way  
36 it's going to be when Merle and I and Dolly or Don,  
37 they're going to carry on their traditions and their  
38 lifestyles, and for whatever reasons, some of them won't  
39 come back to this table.

40

41                   Your decisions on subsistence in the  
42 great Ketchikan area making it a rural status is going to  
43 change the whole lifestyle and the well-being in this  
44 great of Alaska so there's a lot sitting at your table.  
45 You're making decisions for my grandchildren and their  
46 children to come.

47

48                   Thank you very much.

49

50                   CHAIRMAN DEMIENTIEFF: I thank you very

1 much, Willard, for your comments. I really appreciate  
2 them. I think that all of us try to do the same thing  
3 that you guys are doing, and we do do it actually, to try  
4 to pass these things on to make sure that our younger  
5 people have the skills to keep our lifestyle going so I  
6 just want to compliment you and let you know that I  
7 appreciate that, that you guys are doing it and  
8 realistically everybody else is doing the same thing in  
9 step to make sure that we have those skills that are  
10 passed on.

11

12 Further comments or questions.

13

14 MS. GOTTLIEB: Mr. Chair.

15

16 CHAIRMAN DEMIENTIEFF: Judy.

17

18 MS. GOTTLIEB: I just want to thank both  
19 of you for making the effort and taking the time to come  
20 up here and speaking in front of us today and for  
21 providing the information to us.

22

23 Thank you.

24

25 CHAIRMAN DEMIENTIEFF: Any other  
26 questions or comments.

27

28 (No comments)

29

30 CHAIRMAN DEMIENTIEFF: Thank you, once  
31 again.

32

33 Okay, at this time we have no public  
34 comment requests on consensus agenda items, oh, wait a  
35 minute.

36

37 (Pause)

38

39 CHAIRMAN DEMIENTIEFF: No, I'm sorry, we  
40 have one more that I just got, Franklin James, Sr., is he  
41 here.

42

43 MR. FRANKLIN: Thank you, Mr. Chairman  
44 and members of the Board. Yes, my name is Franklin  
45 James, Sr., from Cape Fox Corporation from Saxman. I'm  
46 from the Kleenadi Tribe and the first Chair holder.

47

48 You know, you guys heard me talk before  
49 and I promise to keep this one short. But the truth is,  
50 you know, when they start getting what our family eats,

1 you know, you look at me and our household, nobody  
2 surveyed my place, you know, from the smoked salmon, from  
3 the dried salmon, from the jarred salmon, from the frozen  
4 salmon, you know, we use approximately 250 pounds, that's  
5 every year. Deer, I usually get my limit of four.  
6 Seaweed, three sacks when they're wet, approximately 130  
7 pounds. Herring eggs on kelp and branches, at least 200  
8 pounds. You know, we're not like the Japanese sitting in  
9 a sushi bar when we eat our fish eggs and eat four or  
10 five little pieces half the size of your fingernail, I  
11 mean finger, no, we make a big meal out of it, just like  
12 the seaweed. And our deer, I'd rather eat deer than  
13 steaks from the store any time. Berries, blueberries,  
14 huckleberries, salmonberries, at least about 30 gallons a  
15 year that we go through, you know, and you're being  
16 conservative when you say it's about 50 pounds. Sea  
17 greens, well, maybe about 10 gallons, I can't estimate  
18 the weight. Dungeness crab, at least 40 to 50 a year.  
19 Shrimp about 30.

20

21 So when you start trying to cut us down  
22 on our food, I'm getting sick and tired of this for the  
23 last 20 years that we have to come up and beg for what we  
24 want to eat. I'd like to go to that gentleman there and  
25 these gentlemen's that are not Natives and go through  
26 their households and see what they eat a year, you guys  
27 put up an agenda and have somebody -- I mean come up and  
28 go through your household, how much bacon you eat, how  
29 much pork you eat, how much beef you eat, how much  
30 potato's you eat, let's reverse this situation. This is  
31 getting old.

32

33 We were eating this food here that you  
34 guys are trying to allow us to take just a little amount  
35 before you were born. Our carvings on the beach shows  
36 that we have over 8,000 years that we lived on this land,  
37 there was no restrictions, why are you restricting us  
38 now? You guys want us to be sickly like you guys. We  
39 were a healthy people for many years. For thousands of  
40 years, hardly didn't know what sickness was. Now, you  
41 want us to eat this chicken. We used to be able to cut  
42 the chicken when it is raw and still cut another  
43 vegetable and never get sick, now, if you cut the  
44 chicken, you cut the vegetable, salmonella poisoning.  
45 all the foods, that the non-Natives put up are hazardous  
46 to us, cancer, sugar diabetes.

47

48 To me, we have to come to some kind of  
49 conclusion instead of sitting here staring at each other  
50 two or three times out of the year or four times out of

1 the year. Is this the way our government say, roll the  
2 money.

3

4 I believe it's time your government  
5 leaves the Natives alone. And don't give a Native one  
6 thing and a non-Native 10 times more. Like I stated in  
7 the past, your people that came up here, which were never  
8 invited, used to make fun of us, what we used to eat,  
9 look at that person eating that ying (ph), your language,  
10 sea cucumbers, look at them drying that fish eggs up  
11 there, all our different foods that we ate, you made fun  
12 of us until you found out you can make money, then you  
13 took it away. Now, you want us to eat your foods.

14

15 Like I stated before, if you guys learned  
16 to eat our foods there'd be less divorces in your guys  
17 people, if you learn how to take care of your home needs.  
18 To me, last year -- I can go on, and I'm glad Mitch let  
19 me go on last time but I'll keep it short now, is that, I  
20 would like to leave Saxman alone, don't even bring that  
21 up, making it a nonrural area. That place has been a  
22 Native village before my grandfather set foot there when  
23 my grandfather was one of the first persons, he was from  
24 Craig Norscotland, when he first moved to Ketchikan was  
25 (In Native), which means water coming down that creek  
26 hitting that big rock as you see it before it turns the  
27 corner and there's a hole in it and water shoots out.  
28 Non-Natives couldn't pronounce it so they named it  
29 Ketchikan. It's not our fault that you fell in love with  
30 our country, now you want to change our lifestyle. You  
31 took our language away. Now, you're trying to feed it  
32 back to us. Now, you're taking our food away. So to me  
33 Saxman shouldn't never even be mentioned. You know, you  
34 wonder how the United States was born, by roads, by  
35 putting roads over -- we didn't ask the road from  
36 Ketchikan to be put out to Saxman, let's just blow that  
37 road up, if you want to put it into a nonrural area.

38

39 And I, back Willard Jackson, and Merle  
40 Hawkins, KIC's got a lot of members and they, too, should  
41 be left alone. Just because you non-Natives move into  
42 our area, my taste buds doesn't change, I don't care  
43 where I go. Whether live in Florida, New York, or  
44 Seattle, I still have the same taste buds. A lot of time  
45 when I travel, just like when I came up here, I brought a  
46 lot of our Native foods, our seaweeds, some of our  
47 greens, our gumboots, to some of the people that can't  
48 get it.

49

50 So to me it's, again, I'd say leave

1 Saxman alone and Ketchikan, let our people get what's  
2 rightfully theirs. I'm tired of going out there and the  
3 Fish and Game come board me all the time, why don't they  
4 board the sport fishermen, have to have probable cause.  
5 I don't understand this. That I go out there and they  
6 want to check because I have extra hooks on my boat, they  
7 says, well, your intentions, you're going to use them,  
8 yes, I'm going to use them if I lose the other, but you  
9 always take a spare.

10

11 So to me, again, in closing here, I'd  
12 like to say one more time, leave Saxman alone. Right now  
13 you see us fighting right here in Puerto Rico, because I  
14 belong on the World Conference, on the Indigenous People  
15 that fight for the rights, and they're getting sick and  
16 tired of coming to you guys, you guys, all you want to do  
17 is how can I steal, how can I steal, what can I take from  
18 them, how much money can I make from them. That has to  
19 come to an end. I don't want to see my grandkids coming  
20 up and fighting you guys, I want you guys to start  
21 fighting. You come to us asking for your allocations of  
22 bacon and pork. You come to us, I guarantee you're going  
23 to move to back Europe. We got no place to move because  
24 this is our country.

25

26 Thank you, Mr. Chairman.

27

28 CHAIRMAN DEMIENTIEFF: Thank you. Any  
29 questions or comments.

30

31 (No comments)

32

33 CHAIRMAN DEMIENTIEFF: Appreciate your  
34 remarks, and I thank you for taking the effort to get  
35 here.

36

37 MR. FRANKLIN: Thank you.

38

39 CHAIRMAN DEMIENTIEFF: Unit 2 deer report  
40 from Southeast. Michael, I guess it's you that's --  
41 okay.

42

43 MR. BANGS: Thank you, Mr. Chairman,  
44 Board members. My name is Mike Bangs. I'm a member of  
45 the Southeast Regional Council, and I'm also a member of  
46 the Norwegian Tribe in Petersburg, and I've come today to  
47 present the Unit 2 report from our Council.

48

49 Originally this process began with  
50 discussions at this Board level in 2003 and the

1 discussions led to a subcommittee idea that went to our  
2 Council and it was accepted by our Council and then it  
3 was authorized by this Board, and that came about after  
4 numerous proposals over several years concerning Unit 2  
5 deer, it's been very contentious as access to the Prince  
6 of Wales Island area has become a lot easier for the  
7 whole region and population changes. And so the Council  
8 set up a subcommittee to address these issues and they  
9 met over a two year period with six two day meetings and  
10 the meetings were procured in all the different  
11 communities in the region that were affected by and used  
12 Unit 2 deer.

13  
14               The Forest Service provided the funding  
15 and the Staff support, and this was a costly but very  
16 productive endeavor. The subcommittee met in these  
17 different communities and the make up was, if you look on  
18 Page 7 in the report, which I hope you all have a copy of  
19 this Unit 2 report, there is a list of the members of  
20 this subcommittee, and what we did was arrange for -- or  
21 request that we get a well-rounded make up and we had  
22 guides, Staff members were present and we had rural  
23 residents from Ketchikan, urban residents, of course,  
24 rural residents, Fish and Game Advisory Committee  
25 members, tribal representatives and then the agency  
26 representatives. The subcommittee members all felt that  
27 a big part of the success of this process was the support  
28 that they had from the Federal Staff, and another key was  
29 hiring a professional facilitator.

30  
31               Now, if I could, I'd just go over some of  
32 the key points in this report and then maybe I could try  
33 to answer any questions you have after I'm done.

34  
35               The subcommittee was able to work on a  
36 consensus basis and came up with 19 action items and  
37 recommended these to the Council. These items are  
38 included in the report and a detailed explanation of how  
39 they came about and what the action items are.

40  
41               The subcommittee also encouraged a lot of  
42 public input with advertised meetings and provided  
43 flexible times for public testimony. So as we went to  
44 these different communities, we advertised ahead of time.  
45 We went to Thorne Bay, Craig, Wrangell, Ketchikan, all  
46 these outlying communities and also, you know, had a  
47 couple meetings in Ketchikan, so there was a lot of input  
48 from the whole region that is affected by these proposals  
49 on Unit 2 deer.

50

1                   Okay, to summarize the key elements I'd  
2 like to say that one was the information needs triangle,  
3 and that's on Page 13, and it kind of gives you an idea  
4 of what we based our information needs around, and that  
5 led to the cooperative effort between State and Federal  
6 Staff to implement the harvest reporting system because  
7 we felt there was a need for more information on who was  
8 taking the deer, where they were from, how many deer they  
9 were needing and so on, so that was an important key to  
10 it. And that was a major accomplishment to get the two  
11 agencies to work together to come up with a reporting  
12 plan.

13  
14                   And there was also a request from the  
15 subcommittee to understand population trends better, what  
16 effects the environment is having on deer populations,  
17 increased pressure from lack of habitat and on, there's a  
18 lot of need for that. And it resulted in an  
19 implementation of a program of enhanced pellet counts  
20 using a new DNA sampling technique. And there was a also  
21 strong belief that multiple tools should be used to  
22 gather population data.

23  
24                   A most important element is the necessity  
25 to determine what the needs of the subsistence users are.  
26 This has not been acted on and it needs Staff support for  
27 it to happen.

28  
29                   Another key issue that the subcommittee  
30 focused on was the habitat, and the recommendation to  
31 implement a program to rehabilitate young growth stands  
32 to benefit deer has led to the formation of wildlife and  
33 culture personnel to work towards this goal, and they're  
34 going to focus on the areas most used by subsistence  
35 users.

36  
37                   Okay, these are just a few of the  
38 components of the report, and as you can see it's pretty  
39 long and complex and it covers many issues and this Board  
40 is probably aware of all the proposals that have come to  
41 address Unit 2 deer.

42  
43                   This subcommittee process was a lot of  
44 work and it demands a great deal of commitment from the  
45 volunteers and requires agency commitment of funds and  
46 Staff. The cooperative planning by the subcommittee does  
47 not do anything or substitute for the Council and Board  
48 responsibilities, but can be a very, very useful tool for  
49 not only moving towards solutions for subsistence users,  
50 but educating and involving the public on subsistence



1 issues.

2

3                   So with that I'd like to ask if there's  
4 any questions. This was an ongoing process, like I say,  
5 for the last couple years, and I think it was a very good  
6 way to go about addressing these issues because it  
7 brought in a big range of ideas and issues, and the  
8 education part, I think, was critical. A lot of people  
9 don't understand where subsistence stands in the outlying  
10 communities and rural areas and urban areas. So is there  
11 any -- Dr. Garza, if I missed out on anything, I'd  
12 appreciate you adding.

13

14                   Thank you.

15

16                   CHAIRMAN DEMIENTIEFF: Thank you, very  
17 much.

18

19                   Sometimes magic works, sometimes it  
20 don't. And because of your good efforts and working on  
21 this, and were able to come to some consensus, I think  
22 Mr. Brewster -- oh, Gary, you have another comment.

23

24                   MR. EDWARDS: I just had one question.  
25 Are there any differences in the recommendations that  
26 came from the subgroup versus what's in the Council's  
27 report?

28

29                   MR. BANGS: If you read through the  
30 report you'll see that there was some alterations done at  
31 the Council level, but they were pretty minor. There  
32 were four Council members that served on the subcommittee  
33 and so there was a lot of communication with the Council,  
34 and when the final report went before the Council, they  
35 did some fine-tuning and adjusted according to the  
36 Council's wishes.

37

38                   MR. EDWARDS: So you would characterize  
39 that as there wasn't any really significant changes in  
40 the recommendations?

41

42                   MR. BANGS: No, I wouldn't characterize  
43 it as major at all.

44

45                   CHAIRMAN DEMIENTIEFF: Dolly.

46

47                   DR. GARZA: Thank you, Mr. Chair. I  
48 guess I'd like to add on that as well. I think it was an  
49 excellent process. I know that you came to Sitka and  
50 really promoted the creation of the subcommittee to

1 address this issue. Proposals have come before the  
2 Regional Advisory Council for years and you know that  
3 because you have seen them all, and it is an issue  
4 because we have Ketchikan residents who have easy access  
5 to Prince of Wales so that's created the issue and I'm a  
6 Ketchikan resident. But there are several parts to it.

7  
8                   One of the areas, as, I guess, a  
9 professor with the University of Alaska, focusing on  
10 outreach education, the one thing that I tried to keep  
11 focusing on the subcommittee process was education. And  
12 people don't understand ANILCA, especially in Ketchikan  
13 since they're not considered rural, they haven't kept  
14 part of the process in mind, and the just understanding  
15 ANILCA was a big issue and then understanding the whole  
16 process of how change occurs. I served on the National  
17 Marine Protected Areas Committee for three or four years  
18 and it is a FACA committee and so I have a better  
19 understanding of how things go forward. The U2 Deer  
20 Committee was a subcommittee of a FACA committee, and so  
21 we have our own little requirements of how things go  
22 forward. And so the report that came from the  
23 subcommittee were recommendations that we, as a  
24 subcommittee, hoped would be enacted by the committee but  
25 the report does become and belong to the Southeast  
26 Regional Advisory Council. And in terms of the Marine  
27 Protected Areas, we had several subcommittee that would  
28 work for a year to bring recommendations forward but it  
29 was interesting in that FACA process, we were never  
30 allowed to keep our recommendations as a subcommittee,  
31 once they went to the committee, all our old reports were  
32 thrown away, they were basically destroyed, and the final  
33 report that came and was approved by the FACA committee,  
34 the NPA FACA committee was the only report that was of  
35 importance. And so it's difficult when you have a  
36 subcommittee of a FACA because it operates a little  
37 differently, I think, than other subcommittees and so we  
38 had some changes that were made at the Southeast Regional  
39 Advisory Council, but I think they were important  
40 changes.

41  
42                   The issue -- one of the recommendations  
43 was that we take no action, and the Regional Advisory  
44 Council understood fully that we could simply not take no  
45 action, that residents have every right to continue to  
46 submit proposals for changes to Unit 2 and will continue  
47 to do so. We believe that we struck some recommendations  
48 that will hurt a little bit to some areas, will help a  
49 little bit to some areas, that everybody will complain a  
50 little bit, but everybody will live with. But we will

1 continue to have proposals come forward to the Regional  
2 Advisory Council, and to the Federal Subsistence Board  
3 because that is the whole process that we follow in terms  
4 of Federal Subsistence Board management.

5  
6 And so that was one of the main  
7 recommendations. But you can't, you simply can't do  
8 that. And as a Regional Advisory Council we understood  
9 that, as a FACA subcommittee, I'm not sure that that was  
10 completely understood by people who don't go to all of  
11 these meetings and don't have an understanding of the  
12 fact that we just simply can't address proposals or put  
13 them aside for the next five years.

14  
15 Thank you.

16  
17 CHAIRMAN DEMIENTIEFF: Gary.

18  
19 MR. EDWARDS: Dolly, thank you for that.  
20 I think one of the things that you folks did right at the  
21 start by ensuring that the people on the committee, or  
22 the subgroup understood the parameters of which they were  
23 working under in ANILCA and I think that was time well  
24 spent and I think it's a good example, in the future, as  
25 we move forward with these types of approaches to solving  
26 these problems, that I think that's a very important  
27 element.

28  
29 MS. GOTTLIEB: Mr. Chair.

30  
31 CHAIRMAN DEMIENTIEFF: Judy.

32  
33 MS. GOTTLIEB: I just wanted to let you  
34 know and I hope you'll pass it along to the subcommittee,  
35 that this Board pretty much had monthly briefings on how  
36 you were doing so we have been watching, you know, with a  
37 lot of, I guess, maybe pride or confidence in how you  
38 were working with the system in your accomplishment, so  
39 thank you for making this presentation today and for  
40 completing the effort.

41  
42 CHAIRMAN DEMIENTIEFF: Thank you.  
43 Anything else before Mr. Brewster -- Dolly, yes.

44  
45 DR. GARZA: Just one final comment and I  
46 think Mike will agree with this, is that, there were too  
47 many meetings to ask of people who donated time, and so  
48 if you look at the roster of who attended every single  
49 meeting, I think, I'm not sure that anyone made every  
50 single meeting, maybe Hernandez made them all. But

1 basically with five or six meetings over a year and these  
2 are fishermen, subsistence users, people that work  
3 construction in Ketchikan simply could not make all of  
4 those meetings.

5  
6 And then my final point, again, was that,  
7 although I think we -- like you said, we did work to make  
8 sure that the subcommittee understood the parameters of  
9 ANILCA, the general public still does not. And so in  
10 terms of Prince of Wales versus Ketchikan, there was one  
11 side there that still did not understand those parameters  
12 and that could use some work.

13  
14 Thank you.

15  
16 CHAIRMAN DEMIENTIEFF: Thank you. Paul.

17  
18 MR. BREWSTER: I thank Mike Bangs for  
19 coming up from Petersburg today and, again, I just would  
20 add to some of the statements that have been made, the  
21 thanks the Board has for the diligence of the  
22 subcommittee's work here over the past year.

23  
24 I would, Mr. Chair, like to move and ask  
25 for unanimous consent to adopt a resolution of  
26 appreciation to the Southeast Alaska Subsistence Regional  
27 Advisory Board, it's being distributed as we speak, and  
28 essentially I would just like to note the diligence, the  
29 inclusivity, how much effort you've put into trying to  
30 consider the wide range of views. I know this issue of  
31 deer harvest on Prince or Wales is long and ongoing, and  
32 want to just commend and I believe the example you've set  
33 for others.

34  
35 So, Mr. Chair, if.....

36  
37 CHAIRMAN DEMIENTIEFF: We do have a  
38 motion, is there a second to the motion.

39  
40 MR. EDWARDS: Second.

41  
42 CHAIRMAN DEMIENTIEFF: Any objection.

43  
44 (No comments)

45  
46 CHAIRMAN DEMIENTIEFF: Without objection,  
47 so ordered. Again, thank everybody for all their hard  
48 effort. It's just a wonderful thing.

49  
50 MR. BANGS: Will there be any other

1 questions, Mr. Chairman?

2

3 CHAIRMAN DEMIENTIEFF: Go ahead, you had  
4 something else?

5

6 MR. BANGS: I just had one comment I'd  
7 like to make to reiterate what Dr. Garza said. I think  
8 one of the really important things that we learned from  
9 this process is the need for education and I really can't  
10 stress that enough, how important that was to the whole  
11 process, is bringing the education of ANILCA to the  
12 public.

13

14 Thank you.

15

16 CHAIRMAN DEMIENTIEFF: Thank you.

17

18 MS. GOTTLIEB: Mr. Chair.

19

20 CHAIRMAN DEMIENTIEFF: Judy.

21

22 MS. GOTTLIEB: So maybe can I ask then,  
23 how you did that exactly, whether that be for Dolly or  
24 Michael.

25

26 DR. GARZA: Mr. Chair, thank you. I  
27 don't think we did. I don't think we did. That was one  
28 of our recommendations, is that, ANILCA education be  
29 brought forward. That there be an effort from either  
30 Forest Service or OSM to provide that type of education,  
31 at least in the Ketchikan area because it doesn't exist.

32

33 At the first subcommittee meeting that we  
34 held in Ketchikan, we held it in the back of the  
35 Discovery Center which seats about -- would have seated  
36 about the subcommittee and maybe 20 people comfortably  
37 and we had over 60 people there, I mean people were  
38 standing outside.

39

40 The next meeting that we held in  
41 Ketchikan we practically had to go out to the street and  
42 drag people in, so people were frustrated from the first  
43 meeting, they didn't understand the ANILCA process and it  
44 just, to me, clearly, clearly stated that we need that  
45 type of education. When you're dealing with a  
46 rural/nonrural area, the nonrural area really does not  
47 keep track of what's going on and needs that type of  
48 education.

49

50 Thank you.

1 CHAIRMAN DEMIENTIEFF: Anything else.  
2  
3 (No comments)  
4  
5 CHAIRMAN DEMIENTIEFF: If not, Tom was  
6 going to review the consent agenda items and I don't  
7 know, my agenda in front of me says that we're going to  
8 adopt the consent agenda items, we don't do that until  
9 the end of the meeting after we deliberate non-consent  
10 agenda items in case there's requests to get some of the  
11 items pulled off of the consent agenda. So even though  
12 it says that, that's not what we're going to be doing.  
13  
14 So with that we'll ask Tom to introduce  
15 our consent agenda items, I think there's 37 you said.  
16  
17 MR. BOYD: Mr. Chair and Federal Board.  
18 The consensus agenda is what we're calling it now, I  
19 guess, it's a better name for it.  
20  
21 CHAIRMAN DEMIENTIEFF: Yeah.  
22  
23 MR. BOYD: It's hard to get used to the  
24 change in the word, but I think it probably is more  
25 meaningful to call it that and it's found on Pages 4 and  
26 5 in your Board book, there are 37 items that we're  
27 recommending to be on the consensus agenda and I'll just  
28 quickly go through them.  
29  
30 From Southeast Alaska, Proposals WP06-06,  
31 and then I'll dispense with the prefix there and then go  
32 10, 11a, 11b, and 12.  
33  
34 For Southcentral Alaska, Proposals 3, 4,  
35 5, 13, 14, and 15.  
36  
37 For Kodiak/Aleutians, Proposal 21.  
38  
39 For Bristol Bay region, Proposals 22, 23,  
40 24, 25, and 26.  
41  
42 For Yukon-Kuskokwim Delta region,  
43 Proposal 28.  
44  
45 For Western Interior Alaska, Proposals  
46 33, 35, 36, and 69.  
47  
48 For the Seward Peninsula region,  
49 Proposals 37, 38, 39, 40, 41, and then Proposals 42  
50 through 52, so there's several there.

1                   So that makes it actually 47 or something  
2 like that, Mr. Chair.  
3  
4                   And then for Northwest Arctic, Proposal  
5 54 and 55.  
6  
7                   For Eastern Interior, Proposal 56, 61 and  
8 62.  
9  
10                  For North Slope, Proposal 65, 66, 67a and  
11 67b.  
12  
13                  Mr. Chair.  
14  
15                  CHAIRMAN DEMIENTIEFF: Yeah, you can tell  
16 when somebody's getting close to retirement, they go  
17 maybe 47 or something like that. But anyway those are  
18 the consensus agenda items. And, again, any Board  
19 member, at their discretion can have those items pulled.  
20 If there are items that you would like to see pulled,  
21 then I would suggest that you talk to a Board member.  
22 And, again, we will take care of it after we complete the  
23 non-consensus agenda items.  
24  
25                  Okay, with that, before we begin  
26 deliberation of our proposals, I think we're going to go  
27 ahead and just take a brief break right now before we  
28 engage in these other items, so we can just go ahead and  
29 get up and stretch.  
30  
31                  (Off record)  
32  
33                  (On record)  
34  
35                  CHAIRMAN DEMIENTIEFF: Well, I got the  
36 lowdown on this shifting the consent agenda to consensus  
37 agenda and Ken is blaming it on his wife, who, of course,  
38 is not here, in suggesting the change.  
39  
40                  (Laughter)  
41  
42                  CHAIRMAN DEMIENTIEFF: But we'll honor it  
43 no matter what you want to call it, we know what you  
44 mean.  
45  
46                  So anyway, my wife's not here, I guess I  
47 could blame her on something, too, you know.  
48  
49                  (Laughter)  
50

1 CHAIRMAN DEMIENTIEFF: I just happened to  
2 think of that too.

3  
4 (Laughter)

5  
6 CHAIRMAN DEMIENTIEFF: Okay, let me see.  
7 Statewide Proposals 06-01. Who is going to do this,  
8 okay, Dan.

9  
10 MR. LAPLANT: Good morning, Mr. Chairman.  
11 Members of the Board. For the record my name is Dan  
12 LaPlant with the Office of Subsistence Management.

13  
14 Proposal No. WP06-01 the analysis that  
15 I'll be going through with you begins on Page 19 of your  
16 Board book. This proposal addresses the sales of  
17 handicrafts made from bear claws.

18  
19 Last year, as you may recall, we had a  
20 proposal that addressed several elements of the bear  
21 handicraft regulations and the Board adopted several of  
22 those elements that were in that proposal. You changed  
23 the definition of handicraft. You changed the definition  
24 of skin, hide, pelt and fur. And you redrafted  
25 regulations, or adopted regulations that clarified that  
26 claws could be used in handicrafts for sale.

27  
28 However, you deferred part of that  
29 proposal that addressed commercial sales. You deferred  
30 this part of it to allow the Councils to review some of  
31 that modified proposed language that you were considering  
32 at the time.

33  
34 The language that the Board was  
35 considering at last year's meeting is presented in this  
36 analysis as to proposed Federal regulation language that  
37 you see there in the middle of Page 19. So as you can  
38 see under existing Federal regulations, currently there  
39 is no regulatory language addressing the commercial sales  
40 of handicraft made from bear parts. And the proposed  
41 regulation has three elements to it.

42  
43 The first paragraph 25(j)8(a) says that  
44 you may not sell handicrafts made from  
45 the claws of black or brown bear to an  
46 entity operating as a business as defined  
47 under Alaska statute 43.70.1101 unless  
48 the bear was taken in Units 1 through 5.  
49 So I'll be referring to this exception 1  
50 through 5 as a Southeast exemption. So



1 this first section just states that you  
2 may not sell handicrafts to a business.  
3  
4 The second portion, paragraph 25(j)8(b)  
5 says that if you are a business operating  
6 under Alaska statute, you may not  
7 purchase handicrafts made from claws of  
8 black or brown bear as part of your  
9 business transaction, again, unless the  
10 bear was taken in Unit 1 through 5, so  
11 there's that Southeast exemption. If  
12 you notice, the language doesn't prohibit  
13 a business from selling the handicraft.  
14 And many subsistence users who make and  
15 sell handicrafts, they do hold a business  
16 license, and this language would not  
17 prevent those individuals from making  
18 sales, it just prohibits businesses from  
19 purchasing and it prevents the seller  
20 from selling to businesses.  
21  
22 And then the last section there,  
23 25(j)8(c) says that the sale of  
24 handicrafts made from nonedible  
25 byproducts of brown or black bear, when  
26 authorized in this part, may not  
27 constitute a significant commercial  
28 enterprise.  
29  
30 So that's the language that the Board  
31 left with last year when you were considering the bear  
32 handicraft proposal.  
33  
34 A little regulatory history on the  
35 following page. You see that in 2002, in May the Board  
36 adopted the first regulation that dealt with handicrafts  
37 and that's when you allowed the sale of handicrafts made  
38 from black bear fur. And then in 2004 the Board adopted  
39 a similar regulation pertaining to brown bear for the  
40 specific regions of Eastern Interior, Bristol Bay and  
41 Southeast. And at that time you also clarified that the  
42 definition of fur at that time does include claws. So  
43 the regulatory language was cleared up to identify the  
44 fact that those handicrafts that allowed the sale of  
45 handicrafts made with fur did include the claws.  
46  
47 And then last year, as I mentioned  
48 already, you made further modifications by changing the  
49 definition of handicraft in those other definitions. You  
50 also adopted regulations last year that allowed the sale

1 of handicrafts in Unit 1 through 5 to be made from bones,  
2 teeth, sinew or skulls taken from bears in those units.

3  
4 So those are the actions that you've  
5 taken in the past.

6  
7 As far as the biological background, now,  
8 brown bear populations throughout most of Alaska are  
9 generally stable and occupy all of their historic range.  
10 Black bears are also quite healthy throughout the state.  
11 They range over three-quarters of the state of Alaska.  
12 Currently the estimate of population of black bears is  
13 about 30,000 to 100,000 animals. There are several  
14 locations in Alaska where the State believes that the  
15 populations are too high and therefore have predator  
16 control plans to reduce the number of these populations  
17 and there are also several locations in the state where  
18 populations are of a concern, especially brown bear  
19 populations in conservation units where special attention  
20 needs to be provided. So we're talking about a  
21 regulation here that is statewide so there's a wide range  
22 of conditions out there that would come under this  
23 regulation, again, areas where there's very healthy and  
24 maybe too many animals by some and some areas where  
25 there's a conservation concern.

26  
27 The effects of this proposal is that the  
28 proposed restrictions on commercial sales of bear claws  
29 handicrafts is consistent with the current interpretation  
30 of the Board's previous intent. And we expressed that  
31 previous intent in a question and answer sheet that the  
32 Board approved last summer, last July.

33  
34 This regulation will remove commercial  
35 incentives for harvesting bears except in Southeast  
36 Alaska, and the goal is to provide additional protection  
37 from overharvest of bear populations. The Board's intent  
38 in allowing the sale of bear handicrafts has been to  
39 provide for the customary and traditional making and  
40 selling of handicrafts from bears taken for subsistence  
41 use, not to provide a commercial incentive to harvest  
42 bears, so that would be the purpose of this prohibition  
43 on commercial sales.

44  
45 Again, the State recently has provided  
46 some commercial incentive. They've passed regulations  
47 within the last year to allow sale of bear hides with  
48 claws attached in predator control areas, and for brown  
49 bear that's particularly in Unit 20(E).

50

1                   As I mentioned earlier, this action would  
2 have no effect on subsistence users who make and sell  
3 bear claw handicrafts to individuals as noncommercial  
4 customary and traditional activity, even if they are  
5 required to have a State license, they're still able to  
6 make and sell these. So this language doesn't prevent  
7 those who have a business license from doing the selling,  
8 it prevents them from selling to other businesses and it  
9 prevents other businesses from buying, but it doesn't  
10 prevent the subsistence user who has a business license  
11 from making a sale.

12  
13                   This action will have no effect on sport  
14 and recreation users. Again, however, it would reduce  
15 the opportunity for commercial users, or for potential  
16 commercial users to take advantage of this resource.

17  
18                   The proposed language will allow  
19 commercial sales of handicrafts made from bear claws from  
20 bears taken in Unit 1 through 5, again, it will allow the  
21 commercial sale in those areas of the state, the  
22 Southeast. The Southeast exemption will result in  
23 difficulty with enforcement of the regulation as neither  
24 the State nor the Federal Subsistence Management Program  
25 has a tracking system to monitor the source and the sale  
26 of brown or black bear claws. So allowing commercial  
27 sales of handicrafts made from bear claws taken in any  
28 part of the state without a tracking system may have a  
29 significantly detrimental effect on the enforceability of  
30 these regulations. So if passed, enforcement officers  
31 will be unable to differentiate between these legitimate  
32 commercial sales that would be legitimized by passing  
33 this regulation, and sales of products from poached bears  
34 or bears harvested under State regulations or bears  
35 harvested under the Federal regulations from the Eastern  
36 Interior and Bristol Bay regions where it would be  
37 allowed.

38  
39                   So, Mr. Chairman, that concludes a  
40 summary of the analysis and I'd welcome any questions.

41  
42                   Thank you.

43  
44                   CHAIRMAN DEMIENTIEFF: Thank you. Gary,  
45 you had a question.

46  
47                   MR. EDWARDS: Dan, maybe I misunderstood  
48 you but did you say that the State had sort of changed  
49 the regs with bears taken under -- for predator control  
50 on the sale of claws or was.....

1 MR. LAPLANT: Mr. Chairman. The State  
2 can correct me if I'm wrong here, but this past  
3 regulatory cycle they adopted as part of their predator  
4 control program, allowing the sale of for black bear, it  
5 applies to the sale of black bear hides, raw hides, with  
6 claws attached from any predator control area throughout  
7 the state. For brown bear it only applies to brown bear  
8 predator control areas which would be Unit 20(E). So  
9 there's several black bear control areas, but brown bears  
10 is more limited. That allows the sale of raw hides with  
11 claws attached and is under a permit system.

12  
13 Thank you.

14  
15 MR. EDWARDS: I mean could the State  
16 verify that.

17  
18 MR. HAYNES: Mr. Chairman.

19  
20 CHAIRMAN DEMIENTIEFF: Terry.

21  
22 MR. HAYNES: Mr. Chairman, yes, that's  
23 true, and sealing is required, permits are required so  
24 it's a very closely monitored system.

25  
26 MR. EDWARDS: So then what does that  
27 allow you to do with either the black bear or the brown  
28 bear with its hide and its claws?

29  
30 MR. HAYNES: Mr. Chairman. It allows the  
31 sale of untanned bear hides with claws attached.

32  
33 MR. EDWARDS: So it doesn't allow once --  
34 if you take it under -- in those areas and then it  
35 doesn't allow you to do anything, the claws have to  
36 continuously remain attached to the hide?

37  
38 MR. HAYNES: That's correct.

39  
40 MS. GOTTLIEB: Mr. Chair.

41  
42 CHAIRMAN DEMIENTIEFF: Judy.

43  
44 MS. GOTTLIEB: Question for Dan, please,  
45 and just maybe one general comment on this statewide  
46 proposal. This proposal came about, really, as a follow  
47 up from our meeting from last year. And the way it was  
48 presented to the RACs is that it was a Board proposal,  
49 and my sense, from listening to some of the RAC  
50 discussions is that some of the RACs felt this was a very

1 top down proposal. So I guess just advise us of this so  
2 we think of this -- keep this in mind in the future.

3

4 But my specific question has to do with  
5 consignment, is consignment allowed under these proposed  
6 regulations?

7

8 MR. LAPLANT: Mr. Chairman.

9

10 CHAIRMAN DEMIENTIEFF: Go ahead.

11

12 MR. LAPLANT: Through the Chair, Ms.  
13 Gottlieb. That may be a question more appropriate for  
14 the attorneys but I can tell you the answer that we went  
15 to the Councils with. We had discussed this at Staff  
16 Committee meetings prior to the Council meetings, and we  
17 the Councils that if the consignment sale resulted in the  
18 business making a profit from the activity then it was  
19 the same as them buying it and reselling it. If it was a  
20 consignment sale for maybe a co-op group where there was  
21 no business actually making a profit above and beyond the  
22 handicraft maker, then that would be allowed.

23

24 So that's the message that we brought to  
25 the Councils.

26

27 MS. GOTTLIEB: Mr. Chair. I think that  
28 could be then, and we'll have more discussion on it, mean  
29 a source of potential misunderstandings or, you know, is  
30 the burden then on the maker of the handicraft to find  
31 out, well, what's your profit margin here and have to  
32 make a decision whether they're able to or not able to  
33 leave an object for consignment.

34

35 MR. EDWARDS: Mr. Chairman.

36

37 CHAIRMAN DEMIENTIEFF: Go ahead, Gary.

38

39 MR. EDWARDS: It's my understanding,  
40 let's say take the Native hospital here in Anchorage,  
41 that it would not prohibit them from selling handicraft  
42 that would involve bear claws because they are sent there  
43 on consignment; is that your understanding?

44

45 MR. LAPLANT: Mr. Edwards. That would be  
46 my understanding. But, again, I would encourage the  
47 Board to make that clear through your decisions and  
48 actions here today, and that would help clarify the  
49 message that we bring out to the handicraft makers.

50

1 CHAIRMAN DEMIENTIEFF: Thank you.  
2 Further questions or comments.  
3  
4 (No comments)  
5  
6 CHAIRMAN DEMIENTIEFF: Written public  
7 comments.  
8  
9 MR. MATHEWS: Yes, Mr. Chairman. I'm  
10 Vince Mathews, the coordinator for Eastern and Western  
11 Interior. I'll be wearing two hats today because the  
12 Chair's representative, Sue Entsminger will be here later  
13 due to her husband's illness.  
14  
15 With that, there were five written public  
16 comments provided on this proposal. Two in support with  
17 modification, one in support and two in opposition.  
18  
19 The Defender's of Wildlife support the  
20 proposal with the amendment deleting  
21 Units 1 through 5 exemption. The sales  
22 of claws to businesses as defined in  
23 Alaska State statute should apply to all  
24 game management units. Without further  
25 justification there's no reason to exempt  
26 those units.  
27  
28 The sale of bear claws has been closely  
29 restricted in State regulations for  
30 obvious commercial incentive involved and  
31 the relative ease of procurement and  
32 handling and transferring of the desired  
33 items in the broad commercial market.  
34  
35 Exemption for parts of the state are  
36 inconsistent and raise serious monitoring  
37 and enforcement problems.  
38  
39 The other one in support was the Denali  
40 National Park, Preserve and Subsistence Resource  
41 Commission, and the Board should be aware that the Vice  
42 Chair for that Commission is present here, that's Ray  
43 Collins, so if there's any additional questions on  
44 discussions that the Commission had on that, I'm sure Ray  
45 could fill in those -- provide that for the Board.  
46  
47 The Denali Subsistence Resource  
48 Commission supported the proposal with  
49 modification. The proposed regulation as  
50 modified by Staff recommendation will

1 remove commercial incentives for  
2 harvesting bears thereby providing  
3 additional protection from overharvest of  
4 bear populations.  
5  
6 The one proposal in support was from the  
7 Lake Clark Subsistence Resource  
8 Commission. They support the measure  
9 that allows qualified users to maximize  
10 the benefits derived from legally  
11 harvested bears.  
12  
13 There were two in opposition.  
14  
15 The AHTNA Subsistence Committee opposed  
16 it. But they do support small sales by  
17 rural residents of handicraft made from  
18 the claws of black and brown bears taken  
19 under Federal Subsistence hunting  
20 regulations.  
21  
22 Mr. Chairman, the opposition from  
23 Wrangell-St. Elias is quite lengthy because it was a  
24 split vote.  
25  
26 But anyways, they oppose the proposal and  
27 the proposed modification to remove the  
28 Southeast exemption. The Commission  
29 opposes the proposal as modified in the  
30 Staff recommendation and they wanted the  
31 Board to be aware of both positions on  
32 this.  
33  
34 The prevailing opinion was that the  
35 proposal was unnecessary.  
36 Commercialization is not felt to be  
37 common or to cause a conservation concern  
38 in the Wrangell-St. Elias area. Thus,  
39 the proposal would unnecessarily limit  
40 the opportunity for subsistence users to  
41 sell handicrafts made from the claws of  
42 subsistence harvested bears.  
43  
44 Those in the minority support the  
45 proposal, both for the concerns about the  
46 potential commercial sales, to  
47 overharvest, and for cultural reasons.  
48 Bears are of great cultural significance  
49 to some people and the commercialization  
50 made from the claws is disrespectful to

1 the bear and its spirit.  
2  
3 And if there's any questions on the  
4 Wrangell-St. Elias Subsistence Commission, I'm sure  
5 there's Park Staff here that could do a better job than  
6 my summary there.  
7  
8 Thank you, Mr. Chair.  
9  
10 CHAIRMAN DEMIENTIEFF: Thank you, Vince.  
11  
12 At this time we have no additional  
13 requests for public testimony. Regional Council  
14 recommendations.  
15  
16 MR. COLLINS: Yeah, Mr. Chair, we  
17 supported with the modifications eliminating the  
18 commercial sale of that -- I'm with the Western Interior.  
19  
20 CHAIRMAN DEMIENTIEFF: Thank you.  
21 Additional Regional Council recommendations.  
22  
23 MS. CROSS: Seward Penn representative  
24 Grace Cross. We opposed the proposal, and I'd like to  
25 give a little explanation. Normally in the past when  
26 this kind of proposal would come we either deferred it to  
27 the home region or opposed it for cultural reasons. This  
28 time we talked about it and decided that the most  
29 important species of grizzly in our region is polar bear  
30 and we were afraid, whether we might be coming from the  
31 left field or not, we were afraid such a thing would  
32 impact or region at some point in time. We do know that  
33 the polar bears are regulated under Sea Mammal Act, but  
34 we were still afraid because no rules usually sometimes  
35 will impact other rulings.  
36  
37 So we decided we were going to oppose  
38 this because it may impact our grizzly species at some  
39 point in time.  
40  
41 Thank you.  
42  
43 CHAIRMAN DEMIENTIEFF: Thank you.  
44 Additional comments. Ray.  
45  
46 MR. STONEY: Thank you, Mr. Chairman.  
47 After a long discussion on this proposal, the Northwest  
48 Arctic Subsistence supported this proposal as written  
49 with modifications.  
50



1 Thank you, Mr. Chairman.

2

3 CHAIRMAN DEMIENTIEFF: Thank you. Any  
4 other Regional Council comments. Harry.

5

6 MR. WILDE: Yeah, Mr. Chairman. Yukon-  
7 Kuskokwim Delta Subsistence Regional Advisory Council  
8 support this proposal, support it during the meeting, for  
9 eight Council voted against none. And we honor the  
10 beliefs of culture from other part of Alaska being bear  
11 claws are used for handicrafts and skin sewing. Also a  
12 lot of time that you see bear claws are using for like a  
13 dancing, festival time, when the people have gather and  
14 dancing be used for like a belt tying on them.

15

16 So Council support these areas that  
17 desire to maintain traditional sale opportunity. While  
18 preventing the commercialization of sale, there is a  
19 desire to display handicrafts in the village, or that's  
20 back home what they do, into the small stores they  
21 display anything that's made out of like trading sometime  
22 -- a lot of time they trade them with groceries, those  
23 items.

24

25 So, Mr. Chairman, Yukon-Kuskokwim Council  
26 supported.

27

28 CHAIRMAN DEMIENTIEFF: Thank you.  
29 Additional comments.

30

31 MS. LYONS: Thank you, Mr. Chair. I  
32 wasn't present for this vote or discussion on this  
33 proposal so I'd just like to read into the record the  
34 comments that were offered.

35

36 The Bristol Bay Subsistence Regional  
37 Advisory Council opposed this proposal. The Bristol Bay  
38 Subsistence Regional Advisory Council voted to oppose the  
39 proposal, the Council did not hear any biological  
40 information conveying to them that there is a  
41 conservation concern of too many bears being harvested.

42

43 The Council heard concerns from other  
44 user groups that the Federal Subsistence Board had  
45 approved a portion of the proposal which allowed the use  
46 of claws in handicrafts that brown bear harvest would  
47 increase. Brown bear harvests have not increased. The  
48 Council also stated that sporthunters may go out and  
49 harvest a brown bear and then have it out of the hunt  
50 area without any restrictions placed upon them,

1 therefore, Council members felt that the restrictions in  
2 WP06-01 would be a burden to subsistence users.

3

4 Thank you, Mr. Chair.

5

6 CHAIRMAN DEMIENTIEFF: Thank you.

7 Additional Regional Council comment.

8

9 MS. B. ARMSTRONG: For North Slope  
10 Regional Advisory Council, they supported the proposal  
11 with modification to remove the Southeast exemption and  
12 removal of the proposed Southeast exception is necessary  
13 because of the difficulty of enforcing such a  
14 regulation. Allowing commercial sales of bear claw  
15 handicrafts made from bears taken in any part of the  
16 state without a tracking system will have a significantly  
17 detrimental effect on the ability of enforcement officers  
18 to differentiate between legitimate sales and the  
19 commercial sale of products from poached bears, bears  
20 harvested under State regulations and bears harvested  
21 under Federal regulations in Eastern Interior and Bristol  
22 Bay regions.

23

24 Thank you, Mr. Chair.

25

26 CHAIRMAN DEMIENTIEFF: Thank you. Any

27 other Regional Council comments.

28

29 MS. CHIVERS: Mr. Chair.

30

31 CHAIRMAN DEMIENTIEFF: Yes.

32

33 MS. CHIVERS: I'd like to go ahead and  
34 read the Kodiak/Aleutians recommendation into the record.

35

36 The Kodiak/Aleutian supported with  
37 modification. The Council was concerned about the  
38 potential for abuse if the sale of handicrafts made from  
39 bear claws was allowed. The resource and local  
40 communities could suffer from overharvest of bears due to  
41 the allowed sale of handicrafts made from the bear claws.

42

43 There are many legal points to consider,  
44 and a lack of ability to track any sales, only trade,  
45 barter and sharing should be allowed. The resource is  
46 too valuable to subject to potential problems involved  
47 with sales.

48

49 And they did modify the language and it  
50 is shown on Page 11.

1 Thank you, Mr. Chair.  
2  
3 CHAIRMAN DEMIENTIEFF: Thank you.  
4 Additional Regional Council comment.  
5  
6 (No comments)  
7  
8 CHAIRMAN DEMIENTIEFF: Staff Committee  
9 recommen -- oh, I'm sorry, go ahead, Dolly.  
10  
11 DR. GARZA: Thank you, Mr. Chair. I  
12 thought we were sort of going around so I was sort of  
13 waiting my turn.  
14  
15 The Southeast Region did oppose this  
16 proposal. We did not hear from enforcement that there  
17 were any problems in Southeast. In fact, the far  
18 majority of bears are taken by guide and sport and so the  
19 subsistence harvest is very small. Bear hunting is not  
20 an easy to get into activity. It takes a lot of skill  
21 and so it's not one where people are just simply going to  
22 start going out and shooting up.  
23  
24 The fact that there may potentially be an  
25 issue in the future does not warrant action right now.  
26 That was the same language that was used when we tried to  
27 get steelhead fishing on Prince of Wales and the argument  
28 kept being there'll be overharvest, overharvest,  
29 overharvest, we got it through and the first year we had  
30 like six steelhead taken. And so I don't think that  
31 decision should be made on that type of scare tactic.  
32  
33 But we felt that, and in terms of  
34 monitoring, I mean the State of Alaska does provide for  
35 commercial sales through their predator control program.  
36 If they have a permitting process, that kind of process  
37 could simply be instituted with our process, if  
38 necessary.  
39  
40 And we also had the concern that the  
41 proposal did come from the top down. I think we reached  
42 a very good position prior to this proposal in terms of  
43 what we allow rural residents to do and that is to  
44 continue subsistence harvesting of resources on resources  
45 that do not have a conservation concern.  
46  
47 The issue in Ketchikan, of course, is the  
48 largest clan, the Teikukeidi, the Bear Clan are nonrural.  
49 And so if they want to acquire these bear parts, there's  
50 issue as to how they would get them.

1 I heard several questions before and one  
2 thing I want to bring up in terms of the complications  
3 that it will create is that it was stated that if you own  
4 a business you can still sell but you cannot sell to  
5 another business. Well, as a basket weaver, I have a  
6 business license, and so it would allow me to sell bear  
7 parts if I lived on Prince of Wales, however, I couldn't  
8 sell it to someplace like in Sitka, Three Men by the Sea,  
9 is a major -- they sell all sorts of Native Arts there,  
10 well, the owner -- one of the owners would be able to  
11 sell at his store but because he couldn't buy from  
12 another hunter, he couldn't sell their product and that,  
13 in itself, creates an issue. I mean he would have an  
14 unfair advantage.

15  
16 And I think that this type of proposal  
17 would create more issues in terms of enforcement than it  
18 would actually resolve.

19  
20 Thank you.

21  
22 CHAIRMAN DEMIENTIEFF: Thank you. Go  
23 ahead.

24  
25 MR. BLOSSOM: Yeah, Southcentral Council  
26 opposed this much for the same reason as you just heard.  
27 We think the subsistence user is going to be so confused  
28 and fouled up with this they'll have a hard time figuring  
29 it out and that shouldn't be that way.

30  
31 CHAIRMAN DEMIENTIEFF: Thank you.  
32 Additional Regional Council comment.

33  
34 MR. MATHEWS: Yes, Mr. Chairman. The  
35 Eastern Interior Regional Council comments are found on  
36 Page 10 and 11.

37  
38 They support the proposal with  
39 modification presented by Staff with the additional  
40 modification to move reference to black bear. The  
41 Council wanted regulations that avoid commercialization  
42 and incentives to kill bears just to sell their claws.  
43 Sale of bear parts is a sensitive issue in some Native  
44 cultures. There is a need for measures -- there's need  
45 for measures with some controls. The Council wants  
46 subsistence users to be able to be able to fully utilize  
47 the harvested resource. There is not a resource problem  
48 at this time.

49  
50 If there are problems in the future the

1 Council can address them at that time. And their  
2 modification is found on Page 11.

3

4 Thank you, Mr. Chair.

5

6 CHAIRMAN DEMIENTIEFF: Thank you.

7 Additional Regional Council comment.

8

9 (No comments)

10

11 CHAIRMAN DEMIENTIEFF: Before we get to  
12 the Staff Committee recommendation, we did get kind of a  
13 late request for public testimony but I'm going to --  
14 because we're participatory, I'm going to go ahead and  
15 allow Mr. Jackson, Willard, if you'd come forward and  
16 give your testimony.

17

18 MR. JACKSON: Gunalcheesh. Thank you.  
19 Dr. Garza, thank you for recognizing the Teikukeidi. I'm  
20 Teikukeidi, I'm brown bear. We've been in this region  
21 for over 20,000 years and when I say that, I have to  
22 remember my mother Esteshee (In Native) the matriarch of  
23 the Teikukeidi has passed on and reestablished a new  
24 matriarch in our society, my older sister. Bears. In  
25 the Tlingit culture have a spirit, it's called yak, yak  
26 is a spirit that we live by as human beings. Tlingit  
27 people. That's what it means, human beings. And the  
28 awareness of our culture and our clan emblems, Teikukeidi  
29 establishes our atu, our belongings that we where on our  
30 back, our atu is a crest that we take to another clan  
31 that establishes territory. In saying that it's often  
32 times when we go into different areas, either to hunt or  
33 to go subsistence hunting we have to go to the clan  
34 leaders. I, as a bear, as a Teikukeidi and as a  
35 spokesperson, a (In Native) of the Teikukeidi, one of the  
36 clan leaders in the area, we do not hunt these beings,  
37 our human brothers.

38

39 There's a story of the Teikukeidi and  
40 I'll share this with you, it's something that needs to be  
41 shared with everyone, the recognition of the Teikukeidi  
42 in Ketchikan and throughout Southeast Alaska, the  
43 Teikukeidi don't just extend from Ketchikan Tongass  
44 Island, they go all the way to Yakutat, so we have a  
45 massive area that the Teikukeidi once had ownership of.

46

47 There were three brothers and they were  
48 out hunting one day, they were hunting the great bear,  
49 the (In Native), the brown bear, and they split up, they  
50 were overcome by a bear, by a brown bear, and one was

1 chasing one of the brothers and chased him right into the  
2 cave, which the she bear was in, he come running through  
3 that cave so fast being chased by the he bear, he fell,  
4 and he fell upon the bear, the she bear and she bury him  
5 underneath him [sic]. The he bear came to the cave and  
6 he asked, where's that human being I chased in here and  
7 she threw him his mittens, she says, this is all you  
8 chased in here, and he ran off looking for that human  
9 being. The human being made it with the she bear and had  
10 three offsprings, I'm telling you this story for a  
11 reason, it establishes the history of the Teikukeidi  
12 throughout the great region of Alaska. They had three  
13 offsprings and every day the human being would go out  
14 hunting for his offsprings. And he'd hunt seal in his  
15 canoe, he'd come in every day to the cove and drop the  
16 seal off and the three cubs would be down on the beach  
17 tearing these seals apart to eat. One day the young man  
18 went out hunting and the she bear told him I don't ever  
19 want you to talk to your human wife. One afternoon while  
20 he was hunting h e was thirsty, so he went to his  
21 favorite spring where he drank water with his human  
22 family and he happened to run into his wife, his human  
23 wife, she made some ungodly remarks about the she bear,  
24 he got back in his canoe and he continued to hunt, he  
25 came back to the cove where to where he fed his  
26 offsprings, this time the offsprings weren't running up  
27 and down the beach, all he could see was the little ears  
28 in the treeline. He brought the canoe up on the beach,  
29 threw the seal off, the young offsprings never came out.  
30 The moment the human being jumped off the canoe the three  
31 cubs came down and tore him to pieces.

32

33 This is the history of our Teikukeidi  
34 people. This is a memorial of our Teikukeidi people.  
35 She went off into the mountains like she is today with  
36 her three offsprings and the song she was singing, oh  
37 where, oh where has my husband gone, oh where, oh where  
38 is our people today.

39

40 Gunalcheesh.

41

42 CHAIRMAN DEMIENTIEFF: Thank you. Staff  
43 Committee.

44

45 MR. PROBASCO: Thank you, Mr. Chair.  
46 Staff Committee comments can be found on Page 15 through  
47 17. And, Mr. Chair, I will not read all of the comments,  
48 I'll just hit the high points. The Staff Committee  
49 developed two recommendations. There's a majority  
50 recommendation and a minority.

1                   The majority recommends to support with  
2 modification which, as you know, is contrary to the  
3 recommendations of all of the Federal Subsistence  
4 Regional Councils, and that is to delete paragraphs 8(a)  
5 and 8(b) and a modified regulation would only capture  
6 what is titled 8(c):

7  
8                   The sale of handicrafts made from  
9 nonedible byproducts, brown bears and  
10 black bears when authorized in this part  
11 may not constitute a significant  
12 commercial enterprise.

13  
14                   Mr. Chair. As I stated this  
15 recommendation does not coincide with any of the Council  
16 recommendations before you, however, it does propose a  
17 compromise position, with, which it seems likely that  
18 most Councils could agree, possibly with the exception of  
19 Southcentral. This recommendation also suggests that the  
20 Board consider part of the next Proposal 2, which all  
21 Councils, except one found agreeable and adopt the  
22 parallel language in this Proposal 1, and that's as I  
23 just read.

24  
25                   Although the sale specified in proposed  
26 parts 8(a) 8(b) are currently allowed, no information has  
27 been presented that indicates that a problem exists.

28  
29                   For instance, in Southeast Alaska, Forest  
30 Service enforcement stated, currently there are no issues  
31 that we are aware of under these circumstances in  
32 Southeast or in relations to the selling of bear parts.  
33 And, Mr. Chair, I just want to note for the record that  
34 the remainder of that paragraph we found was in error, so  
35 please note that.

36  
37                   The majority of the Interagency Staff  
38 Committee believe that the proposed language contributes  
39 to maintaining the subsistence rather than the commercial  
40 nature of the sales of handicraft in the Federal  
41 Subsistence Program. In the future if an actual problem  
42 does develop, which is not covered by this language,  
43 Councils in any affected area could initiate a new  
44 proposal.

45  
46                   Mr. Chair.

47  
48                   The minority recommendation was to  
49 support this proposal, with modification  
50 to remove the Southeast region exemption

1 from the prohibition on commercial  
2 purchases and sales as recommended by the  
3 North Slope, Northwest Arctic and Western  
4 Interior Subsistence Regional Advisory  
5 Councils, and in respect to the brown  
6 bears by the Eastern Interior Regional  
7 Advisory Council, in addition Yukon-  
8 Kuskokwim Subsistence Regional Advisory  
9 Council supported prohibition of  
10 commercial sales of bear claws.  
11

12 And that language, Mr. Chair, is on Page  
13 16 and the top of 17. And just briefly, Mr. Chair:  
14

15 The language prevents commercialization  
16 of handicrafts made with bear claws by  
17 prohibiting sales to and purchases by  
18 businesses. This prohibition would apply  
19 only to the purchase/sales of handicrafts  
20 containing claws not other parts of the  
21 bears.  
22

23 This regulation will remove commercial  
24 incentives for harvesting bears, thereby  
25 reducing the potential for illegal take  
26 of bears and excessive harvest of  
27 honorable bear populations.  
28

29 The Board's intent in allowing bear  
30 handicrafts should be to provide for the  
31 customary and traditional making and  
32 selling of handicrafts from bears taken  
33 for subsistence not to provide a  
34 commercial incentive to harvest bears.  
35

36 And, Mr. Chair, reliance only on  
37 regulatory language prohibiting that  
38 constitute a significant commercial  
39 enterprise overlooks the difficulty of  
40 enforcing terminology that is undefined,  
41 leaving it up to the courts to determine  
42 what constitutes a significant commercial  
43 enterprise.  
44

45 And if you recall, a similar concern  
46 prompted the Board to adopt regulations prohibiting  
47 commercial purchases and sales of subsistence taken fish.  
48

49 And, Mr. Chair, there's more detail there  
50 but I just hit the high points.



1 Mr. Chair.

2

3 CHAIRMAN DEMIENTIEFF: Thank you.  
4 Department comments.

5

6 MR. HAYNES: Thank you, Mr. Chairman.  
7 The Department recommends the Board not adopt this  
8 proposal.

9

10 The Federal Board has not established a  
11 record demonstrating that the sale as opposed to the  
12 barter, sharing or use of bear claws, teeth, and bones  
13 for making handicrafts for sale is a customary and  
14 traditional practice. If action is taken on this  
15 proposal, the Federal Board should modify it to restrict  
16 sales of these handicrafts only to Federally qualified  
17 subsistence users and should remove the exemption for  
18 Southeast Alaska.

19

20 The record still would only support  
21 limited noncommercial exchanges adhering to customary  
22 practices in some areas of the state.

23

24 We don't believe this regulation can be  
25 enforced if the exemption for Southeast Alaska is  
26 retained and different provisions apply to the Bristol  
27 Bay and Eastern Interior regions as was noted in the  
28 Staff analysis.

29

30 The proposed provisions of Sections  
31 (j)8(a) and (j)8(b) exceed the authority of the Federal  
32 Board. Because these sections purport to authorize sales  
33 and purchases by entities that are not Federally  
34 qualified subsistence users, in violation of State laws.  
35 Sale and purchase of bear claws, teeth, skulls and bones  
36 are prohibited by Alaska Statute 16.05.920 and 5 AAC  
37 92.200. The Federal Board does not have the authority to  
38 alter such prohibitions with regard to non-Federally  
39 qualified subsistence users. The State may take  
40 enforcement action against any non-Federally qualified  
41 subsistence user who purchases or sells bear claws,  
42 teeth, skulls or bones regardless of any Federal  
43 regulation that purports to authorize such sale or  
44 purchase.

45

46 Thank you, Mr. Chairman.

47

48 CHAIRMAN DEMIENTIEFF: Thank you. Board  
49 discussion. Gary.

50

1 MR. EDWARDS: Mr. Chairman. I have a  
2 question for the State. I'm trying to understand how (a)  
3 and (b), which I read, would prohibit the sale by  
4 Federally recognized subsistence users to licensed  
5 businesses or would prohibit those businesses from  
6 purchasing, how is that inconsistent with the State law?

7  
8 MR. DOUGHERTY: Through the Chair. We  
9 believe that -- we understand that the intent is to be  
10 more restrictive with those provisions, but we believe  
11 that the Board is stepping further outside its authority  
12 which is over Federally qualified subsistence users by  
13 purporting to regulate the conduct of businesses within  
14 the state of Alaska, rather than regulating the conduct  
15 of Federally qualified subsistence users.

16  
17 Perhaps, I think we would have less  
18 problem with the prohibition on sale to a business  
19 because you're talking about the Federally qualified  
20 subsistence user in that case, but where you're talking  
21 about what a business can do, I think there, the Board is  
22 stepping outside its authority.

23  
24 CHAIRMAN DEMIENTIEFF: Other discussion.

25  
26 MS. GOTTLIEB: Mr. Chair.

27  
28 CHAIRMAN DEMIENTIEFF: Yes.

29  
30 MS. GOTTLIEB: I had a question for the  
31 Department on these more recent regulations regarding the  
32 commercial sales of the bear hides with claws. How  
33 would you monitor the source of claws if they were  
34 somehow separated from the hide after being sealed?

35  
36 MR. HAYNES: Mr. Chairman. We'll defer  
37 to Mr. Regelin to respond.

38  
39 MR. REGELIN: The State regulation allows  
40 the sale of brown bear hides that are taken up in the Tok  
41 area, as long as they're attached to the hide. If  
42 they're detached from the hide it would be illegal and we  
43 would cite somebody for selling them. And when you --  
44 the bear hide has to be sealed and it has a metal locking  
45 tag on it so that we can track that through commerce and  
46 that's one of the concerns we have. Once it's just a  
47 claw, there's no way for law enforcement to track where  
48 it came from and that's why we would prefer to have the  
49 law be the same throughout the state rather than an  
50 exemption from one area.

1                   In Southeast, we know how important bears  
2 are to the culture of the people and we have absolutely  
3 no problem and we support the sale and trade and barter  
4 amongst tribal members or -- I hate to use Federally  
5 qualified subsistence users because I realize some tribal  
6 members may not be, but among tribal members, that's  
7 something that's very customary and traditional. I  
8 listened at the last meeting we had with John Littlefield  
9 about how they did it and I didn't disagree with him a  
10 bit, but I think that it's a great leap to say -- to move  
11 from using these for religious and ceremonial purposes  
12 within the tribal functions that they have and trading  
13 them and using them as gifts among tribal members and  
14 selling them to tourists that come into Juneau, I just  
15 feel like that can lead to unscrupulous people poaching  
16 bears just to sell the claws to make a lot of money.

17  
18                   And I think that that's why we would  
19 prefer to see it a statewide thing, and we would prefer  
20 it to not be -- and we like the language you have on the  
21 businesses.

22  
23                   Thank you.

24  
25                   CHAIRMAN DEMIENTIEFF: Thank you. Gary,  
26 you got follow up.

27  
28                   MR. EDWARDS: Yes, Mr. Chairman, then I  
29 have a question for Wayne. So then a brown bear taken in  
30 Tok under the predator control parameters, then that, you  
31 could sell a brown bear rug if it's taken under those  
32 conditions? You could have it tanned and blanket put on  
33 the back and sold that way?

34  
35                   MR. REGELIN: You can sell the -- people  
36 -- what the Board was trying to do was increase the  
37 harvest of brown bears in an area where they're having a  
38 significant impact on the moose population so they're  
39 allowing the sale of the raw -- a hunter -- we're trying  
40 to encourage hunters to take more bears and then they  
41 could sell the hide with the claws attached to a fur  
42 buyer or to somebody that would tan it and most of these  
43 -- and if anybody takes more bears and does this we'd  
44 expect they'd be made into trophies and like rugs and  
45 things and, then, yes, they could be sold with the claws  
46 attached.

47  
48                   CHAIRMAN DEMIENTIEFF: Additional  
49 discussion.

50

1 (No comments)

2

3 CHAIRMAN DEMIENTIEFF: Gary.

4

5 MR. EDWARDS: I'm going to try to make a  
6 motion here. I guess sort of being the lone voice often  
7 times on concern with the sale of bear claws in general  
8 period, I guess I'm a little concerned about now what the  
9 State is further doing, which seems to be contradictory,  
10 to at least where I personally wanted to be on all of  
11 this.

12

13 But with that said is I guess that my  
14 view was that it really never was the intent that fish or  
15 game taken for subsistence was to be turned into  
16 commercial enterprise, I don't think that's certainly the  
17 intent, and usually that's what I hear there and I also  
18 recognize concerns maybe the State expressed about  
19 putting regulations on commercial businesses, but it  
20 seems to me it's kind of what's good for the goose,  
21 what's good for the gander, I mean if you've got to tell  
22 somebody you can't sell then why would you let somebody  
23 buy.

24

25 With that said, I guess I would move that  
26 we adopt, as proposed by the Western Interior and the  
27 Northwest Arctic and the North Slope Regional Advisory  
28 Councils, the proposal with the modifications, and that  
29 modification would primarily remove the exemption for the  
30 Southeast.

31

32 I believe that this is the right thing to  
33 do. I think it certainly would provide a deterrent for  
34 the potential, if it hasn't occurred already. The  
35 expansion of the sale of bear claws, I think is  
36 consistent with what the majority of the Regional  
37 Council's have expressed their concerns with increased  
38 harvest due to commercialization.

39

40 I think there is language in there then  
41 that would allow a business, a Federally recognized  
42 subsistence user that was a business to continue to buy  
43 and to sell as well and certainly would be my intent,  
44 that it would not prohibit handicraft made of bear claws  
45 to be sold from a consignment anywhere in the state.

46

47 CHAIRMAN DEMIENTIEFF: Is there a second  
48 to the motion.

49

50 MR. OVIATT: I'll second the motion.

1 CHAIRMAN DEMIENTIEFF: Discussion on the  
2 motion.  
3  
4 MS. GOTTLIEB: Mr. Chair.  
5  
6 CHAIRMAN DEMIENTIEFF: Yes.  
7  
8 MS. GOTTLIEB: I think any time we do  
9 these statewide issues they're very, very difficult  
10 because there are such regional differences.  
11  
12 Having said that we do have a statewide  
13 proposal that involves black bears, and then the three  
14 regions that are affected by the brown bear. Making and  
15 selling handicrafts is something that ANILCA provides for  
16 and we've been struggling for the last several years on  
17 how to try to maybe define that it not become a  
18 commercially significant enterprise, which we don't allow  
19 or don't want. But I also think that by adhering to the  
20 established limits that this Board has in regulation for  
21 the taking of brown and black bears, we're not seeing, we  
22 have not seen and we will not see a significant  
23 commercial enterprise.  
24  
25 In my opinion on parts (a) and (b) of  
26 this proposed regulation, because of the need for people  
27 to put items on consignment where probably the local  
28 store may be the best bet to do that and I don't know  
29 whether stores make profit or not. But I don't support  
30 having (a) and (b) as part of this proposal. But I think  
31 (c) can stay as is.  
32  
33 CHAIRMAN DEMIENTIEFF: Thank you.  
34  
35 MR. EDWARDS: Mr. Chairman.  
36  
37 CHAIRMAN DEMIENTIEFF: Gary.  
38  
39 MR. EDWARDS: I guess my concern with  
40 what Ms. Gottlieb has said, is that, if we simply leave  
41 (c) in there, we know based upon experience, and what  
42 we've been told by the U.S. Attorney's office is that  
43 since we cannot define the term significant commercial  
44 enterprises, you know, don't bother to bring any cases to  
45 them. So it seems to me if we just end up with that  
46 we're just better off staying where we are.  
47  
48 Now, I know we don't have any reported  
49 cases, but I do believe we have enforcement folks from at  
50 least two of the agencies here and I guess my question

1 is, have we really even looked, and I think certainly  
2 from our standpoint, I don't think that our folks have  
3 spent, you know, much effort trying to see if this is  
4 turning into a commercial enterprise or not. Somebody  
5 mentioned the Forest Service, I don't know if the Forest  
6 Service folks are here and what kind of effort has been  
7 made to actually see, particularly in the Southeast, if  
8 bear claws are showing up in various shops and all.

9

10 MR. BREWSTER: Mr. Chair. We do have a  
11 Forest Service law enforcement officer here if he could  
12 come on up.

13

14 CHAIRMAN DEMIENTIEFF: Okay.

15

16 MR. MYERS: Thank you, Mr. Chair. Good  
17 morning to the Board. My name is Marty Myers, I'm the  
18 Assistant Special Agent in charge with the U.S. Forest  
19 Service, soon to be retired.

20

21 In regards to this, we have looked  
22 around, you know, Southeast Alaska pretty much consists  
23 of a lot of small communities and if something was to  
24 come up it would be fairly easy for us to see what's  
25 going on, at least find out what's going on because  
26 people aren't closed mouthed about stuff like this when  
27 it comes up.

28

29 But as far as we know right now, there  
30 hasn't been a problem. And my recollection from a couple  
31 of Board meetings ago, a couple years ago, that when we  
32 gave testimony on this before, is that, the main emphasis  
33 for this was mainly for people to have a method of  
34 getting regalia for ceremonial purposes and the real  
35 emphasis wasn't putting it into a commercial market.  
36 And, of course, our concern is the commercial market,  
37 commercializing wildlife, and that's what we don't want  
38 to see.

39

40 But to answer Mr. Edwards' question, we  
41 haven't seen it in the Southeast but I can't speak for  
42 the whole state, but I think if it does occur, it  
43 shouldn't be too hard to detect. The real question in my  
44 mind, and it's been brought up is this significant  
45 commercial enterprise, is we don't know what that is, and  
46 it's been tested before with the herring roe, and we lost  
47 that case, or the government lost that case, and it's a  
48 sense of what the value really is. So it would be  
49 difficult for us to -- I mean we could take a case on but  
50 I guess it would be up to a judge to decide that that

1 would be and it may not be what the Board intended as far  
2 as a limit of whatever that might be. So it tends to put  
3 a grey area out there where, for the most part, I think  
4 if there were any problems that were starting they  
5 probably would be ignored because of the ambiguity of the  
6 definition or, in fact, there isn't a definition for  
7 significant commercial enterprise.

8

9 CHAIRMAN DEMIENTIEFF: Thank you.

10 Additional discussion.

11

12 (No comments)

13

14 CHAIRMAN DEMIENTIEFF: I suppose before  
15 we started deliberating, I should have gone to -- the  
16 Board members are all familiar with it, once we do get a  
17 motion brought before the Board, the Board members can  
18 call, as was the case here, they can call upon additional  
19 people, but once we get a motion before the Board it  
20 becomes the property of the Board and all the other  
21 discussion, unless somebody wants to call on somebody,  
22 which is the case at this time, and thank you for your  
23 information.

24

25 Further discussion on the motion.

26

27 MS. GOTTLIEB: Mr. Chair.

28

29 CHAIRMAN DEMIENTIEFF: Judy.

30

31 MS. GOTTLIEB: I guess one more comment.

32 Thank you.

33

34 I think we ought to define commercial  
35 enterprise but I don't think we have that definition  
36 based on the discussions and the variety of answers and  
37 feedback that we got from the RACs.

38

39 CHAIRMAN DEMIENTIEFF: Thank you.

40 Additional discussion.

41

42 MR. EDWARDS: Mr. Chairman. There seems  
43 there might be some confusion in my motion with regards  
44 to what, you know, my intent was as it applies to  
45 handicraft made out of bear claws that would be provided  
46 for consignment. And it's certainly was not my intent  
47 that we would prohibit that from occurring, in fact, it's  
48 my understanding that that is a very customary thing that  
49 occurs and we certainly would want to continue to allow  
50 that.

1 CHAIRMAN DEMIENTIEFF: Thank you.  
2 Additional discussion on the motion.  
3  
4 (No comments)  
5  
6 CHAIRMAN DEMIENTIEFF: Hearing none, all  
7 those in favor.....  
8  
9 MR. CESAR: Mr. Chairman.  
10  
11 CHAIRMAN DEMIENTIEFF: Oh, go ahead.  
12  
13 MR. CESAR: I'm sorry, I've been sitting  
14 here thinking. Would someone explain to me if your  
15 motion fails, where are we at? What would be the net  
16 results of that? I mean what is the status quo?  
17  
18 I guess I'm just a little bit confused.  
19  
20 CHAIRMAN DEMIENTIEFF: Dan, Tom's asking  
21 you if you can respond to that question.  
22  
23 MR. LAPLANT: Mr. Chairman. If the Board  
24 does not pass a regulation here then the status quo  
25 remains, yes, that there is no limitation on commercial  
26 sales of handicrafts made from bear claws.  
27  
28 MR. CESAR: Mr. Chairman.  
29  
30 CHAIRMAN DEMIENTIEFF: Yes.  
31  
32 MR. CESAR: I guess, I mean that's what I  
33 thought, I just wanted someone to clear my fuzzy brain  
34 here.  
35  
36 I've not been told there's a problem, you  
37 know, and I guess I'm struggling with that somewhat in  
38 terms of proposing a regulation for something that hasn't  
39 been demonstrated to be a problem. And I think that our  
40 process allows us to impose regulation in a reasonably  
41 short period of time when a problem is detected and we  
42 need to some how reign that in. And I'm a little  
43 concerned that we're reaching out and saying, okay, you  
44 know, there may be a problem someday so let's put in a  
45 regulation now and I'm not sure that we need to do that  
46 necessarily.  
47  
48 MR. EDWARDS: Mr. Chairman, I guess.....  
49  
50 CHAIRMAN DEMIENTIEFF: Gary.



1 MR. EDWARDS: .....maybe I can ask Dan  
2 one clarification. Isn't what we have now, doesn't the  
3 significant commercial enterprise still apply or for bear  
4 claws is that even -- even that language doesn't  
5 currently apply?  
6  
7 MR. LAPLANT: Yes, Mr. Chairman. Mr.  
8 Edwards. It's my understanding that that does not  
9 currently apply, no, that language does not exist in  
10 regulation, the significant commercial enterprise. That  
11 only applies to customary trade, which does not apply  
12 here.  
13  
14 CHAIRMAN DEMIENTIEFF: From my  
15 perspective, the -- you know, enforcement has already  
16 said there is not a problem and also you can correct me  
17 if I'm wrong, but my understanding of your statement is  
18 if there was a problem it would be easily detectable.  
19  
20 Given that, I'm going to oppose the  
21 motion.  
22  
23 MR. BOYD: You have a motion and a  
24 second.  
25  
26 CHAIRMAN DEMIENTIEFF: Pardon?  
27  
28 MR. BOYD: You have a motion and a  
29 second.  
30  
31 CHAIRMAN DEMIENTIEFF: Yeah, we do have a  
32 motion and a second.  
33  
34 Just for that reason. I'm confident that  
35 our enforcement people can do their job. There hasn't  
36 been a problem and I'm sure if there got to be a problem,  
37 that we could respond very quickly and I'm sure that we  
38 would given our mandates, and, so, therefore, I intend to  
39 oppose the motion based on that rationale.  
40  
41 MS. CROSS: Can I ask a question?  
42  
43 CHAIRMAN DEMIENTIEFF: Grace, I'll call  
44 upon you, go ahead.  
45  
46 MS. CROSS: I guess I have a question. I  
47 know that some of the Native art is being sold through  
48 the internet in places like eBay and other areas so would  
49 Alaska, would this cover such sales? This is now a  
50 worldwide thing, basically, there's some things that are

1 being auctioned off somewhere so I just kind of wondered,  
2 is that something that's going to be covered on whatever  
3 you adopt?

4

5 MR. EDWARDS: Mr. Chairman, I guess my  
6 understanding would be that it would not, that it only  
7 applies to those businesses that are licensed in Alaska  
8 and without the language on significant commercial  
9 enterprise, then it wouldn't even apply to somebody who  
10 would set up an internet business, I would assume, then,  
11 could sell as much as they would want and there would be  
12 no limitation on it. Unless somebody else has a  
13 different interpretation.

14

15 CHAIRMAN DEMIENTIEFF: Wayne.

16

17 MR. REGELIN: You know, I hear you say  
18 that there's not a problem right now but I think the way  
19 I look at it is that there's a high risk of illegal --  
20 people doing illegal poaching just to sell bear claws and  
21 they can do it on the internet, they can do it anywhere  
22 in the state and we're not going to be able to regulate  
23 it. And I don't think that by adding these -- we can  
24 eliminate a lot of that risk without a down side because  
25 I haven't heard anybody saying that they want to do this,  
26 that it's essential for them. Everything I've heard is  
27 that the main reason that we want to allow the sale of  
28 bear claws is for -- so that they can be used for  
29 religious and ceremonial purposes, and they already can  
30 be. And so I don't think we're restricting anything  
31 that's going on but what we're doing is reducing the risk  
32 of something that could happen in the future, and we do  
33 that all the time with laws and I think it's the  
34 responsible thing to do.

35

36 MR. EDWARDS: Mr. Chairman.

37

38 CHAIRMAN DEMIENTIEFF: Gary.

39

40 MR. EDWARDS: Just maybe a follow up to  
41 that, and it does appear that -- and I don't think our  
42 folks up here in the north have really looked to see  
43 whether it's a problem or not and I certainly would  
44 accept what the folks from the Forest Service said about  
45 the Southeast, but for example we do know that there is  
46 significant illegal traffic in bear gall bladders, for  
47 example, and we've made some very significant cases  
48 because of the market. Unfortunately sometimes when  
49 there is monetary incentives out there, and people  
50 realize that and motivation increases. It seems to me

1 this is just a prudent thing to do and as Wayne said, it  
2 certainly does not prohibit anything that when we  
3 authorized this, you know, several meetings ago, what we  
4 heard from folks as to how they wanted to use this, I  
5 mean this will still all be permissible.

6  
7 CHAIRMAN DEMIENTIEFF: Further  
8 discussion.

9  
10 (No comments)

11  
12 CHAIRMAN DEMIENTIEFF: Are we prepared  
13 for a vote.

14  
15 (No comments)

16  
17 CHAIRMAN DEMIENTIEFF: I think probably  
18 the best way to do this would be a roll call vote, I  
19 think.

20  
21 MR. BOYD: Mr. Chair. I'll go from my  
22 left to my right, and I'll start with Mr. Brewster.

23  
24 MR. BREWSTER: I will oppose the motion  
25 for the reason that I don't believe that it's supported  
26 by substantial evidence that there is currently a  
27 problem.

28  
29 MR. BOYD: Mr. Edwards.

30  
31 MR. EDWARDS: I'll vote in favor of the  
32 motion for all the reasons I've previously stated.

33  
34 MR. BOYD: Ms. Gottlieb.

35  
36 MS. GOTTLIEB: I will oppose the motion  
37 because I think it's to the detriment of subsistence  
38 users and I think our existing regulations can carry us  
39 forward for another year or until we need to make  
40 modifications.

41  
42 MR. BOYD: Mr. Cesar.

43  
44 MR. CESAR: I will oppose the motion. I  
45 believe that if there is a problem looming, that we have  
46 a process to be able to deal with that and I don't want  
47 to create regulations unnecessarily.

48  
49 MR. BOYD: Mr. Oviatt.

50

1 MR. OVIATT: I'm in favor of the motion  
2 for the reasons that have been expressed by the State and  
3 by Mr. Edwards.

4  
5 MR. BOYD: Mr. Chair.

6  
7 CHAIRMAN DEMIENTIEFF: I will oppose the  
8 motion. Again, having the confidence in our enforcement  
9 people and certainly if there's a problem I'm sure  
10 they'll come straight forward to us and we can deal with  
11 that at that time. And so I have confidence in our  
12 system and oppose the motion for that.

13  
14 And with that, the motion fails.

15  
16 (Pause)

17  
18 CHAIRMAN DEMIENTIEFF: 06-02.

19  
20 MR. LAPLANT: Mr. Chairman. Members of  
21 the Board. The analysis for Proposal WP06-02 begins on  
22 Page 36 of your book.

23  
24 This proposal was submitted by the Office  
25 of Subsistence Management and it requests that the  
26 Federal Subsistence Board authorize the sale of  
27 handicraft made from nonedible byproducts of wildlife  
28 other than bears harvested for subsistence use, so this  
29 pertains to all other wildlife other than the bear issue  
30 that we just discussed. The proposed regulation will not  
31 affect the previous regulation that has just been  
32 considered by the Board in addressing bear handicraft.

33  
34 The intent of this proposal is to have  
35 Federal regulations align more closely with existing  
36 State regulations with respect to handicraft and to  
37 accommodate existing practices. This proposal affects  
38 all regions of the state, in other words, statewide.  
39 Many rural residents make and exchange or they barter or  
40 they sell handicrafts made from nonedible byproducts of  
41 wildlife and this practice is currently allowed under  
42 State regulations 5 AAC 92.200 for wildlife harvested  
43 under the State's general hunting regulations, however,  
44 it's currently prohibited for wildlife harvested under  
45 the Federal Subsistence Management Program.

46  
47 In Subpart A, Section 7 of the Federal  
48 regulations, it states that:

49  
50 You may not exchange in customary trade

1 or sell fish or wildlife or their parts  
2 taken pursuant to the regulations in this  
3 part unless provided for in this part.  
4

5 So, therefore, adoption of these  
6 regulations will provide Federally qualified users with  
7 that same opportunity that they have under State  
8 regulations.  
9

10 As you can see in the center of the page  
11 there under the proposed regulations, the language that's  
12 being proposed says that:  
13

14 If you are a Federally qualified  
15 subsistence user you may sell handicraft  
16 articles made of nonedible byproducts of  
17 wildlife harvested for subsistence uses,  
18 excluding bear, and that is addressed in  
19 a separate section, and this will include  
20 the skin, hide, pelt, fur, claws, and  
21 bones, except the skulls of moose,  
22 caribou, elk, deer, bear, goat, and  
23 muskox;  
24

25 those bones would not be available to  
26 sell as parts of handicraft;  
27

28 It would include the teeth, the sinew,  
29 antlers and horns, but not the antlers  
30 and horns if they're attached to any part  
31 of the skull or made to represent a big  
32 game trophy and you could also sell the  
33 hooves if it was made into handicrafts.  
34

35 This language is a little bit cumbersome  
36 and the intent here is to be consistent with the existing  
37 State regulations.  
38

39 The existing State regulations are  
40 written in that they allow the sale of these wildlife  
41 parts except where specifically prohibited, and they  
42 prohibit the bear parts and a few others. In the Federal  
43 regulations, as I stated in Section 7 it says that sales  
44 are prohibited unless authorized, so the State  
45 regulations come at it from a different direction than  
46 the Federal regulations and that's why it would be  
47 difficult to -- well, that's why this language doesn't  
48 match exactly the language that the State has.  
49

50 The regulatory history on Page 37, as I

1 said earlier, Subpart A regulations is where the  
2 prohibition currently is. This was adopted in 1990 by  
3 the Secretaries of Interior and Agriculture and they did  
4 not originally provide for the sale of subsistence  
5 harvested resources, but when Subpart A was modified in  
6 1999 it contained language, again, prohibiting the sale  
7 of fish and wildlife or their parts unless provided for  
8 in Subpart D. And since that time the Board has provided  
9 several exceptions in Subpart D that allow the sale of  
10 certain items. There's the sale of bear handicrafts that  
11 we just discussed, both black bear and brown bear made  
12 from skin, hide, pelt, and fur. And also the Board has  
13 authorized the sale of handicrafts in Southeast from  
14 black bear and brown bear that are made from bones,  
15 teeth, sinew, skulls and so forth. Also the raw fur or  
16 tanned pelts of legally harvested furbearers can be sold.  
17 And if you remember, several years ago the Board approved  
18 the customary trade provisions to allow the sale of fish  
19 from subsistence harvested fish, so those are also  
20 exceptions to the Section 7 in regulation. And then most  
21 recently, in the January meeting you passed a rule  
22 allowing the sale of handicraft articles made from  
23 nonedible byproducts of subsistence harvested fish or  
24 shellfish. So the fish portion of this issue you dealt  
25 with in January and this is the wildlife portion of the  
26 issue.

27  
28                   The effect of the proposal is that this  
29 action would not alter existing wildlife limits or  
30 seasons and, therefore, should have no impact on wildlife  
31 populations. This action will provide those subsistence  
32 users who make handicrafts, with an opportunity to sell  
33 those handicrafts made from wildlife harvested under  
34 Federal Subsistence Management Regulations and this  
35 change will be minimal because the activity, as I said  
36 earlier, is currently allowed for wildlife harvested  
37 under the State's general harvest regulations.

38  
39                   So this change will have no effect,  
40 really, on the users other than making the regulations  
41 consistent.

42  
43                   One difference to note, though, is that  
44 the State regulations do allow the purchase and sale of  
45 other items, besides just handicraft, and that includes,  
46 detached horns and antlers and capes of some species, and  
47 this would not be allowed under Federal regulations.  
48 This Federal regulation as proposed addresses handicrafts  
49 only and in respect to handicrafts, it would be  
50 consistent with the State regulations and it would be

1 consistent with the definition of subsistence uses in  
2 ANILCA, Section .803.

3  
4 So the proposed regulatory language,  
5 also, one final item, is it introduces some terms that  
6 haven't been used in Federal regulations in the past, and  
7 that is the terms of big game and the term trophy, and we  
8 can draw those definitions from current State regulations  
9 into Federal regulations, if needed, if this proposal  
10 passes.

11  
12 Mr. Chairman, that concludes the  
13 presentation on Proposal WP06-02. Thank you.

14  
15 CHAIRMAN DEMIENTIEFF: Thank you.

16 MR. MATHEWS: Yes, Mr. Chairman, they're  
17 found on Page 35, a summary of them on Page 35. There's  
18 five in support, one support with modification.

19  
20 The AHTNA Subsistence Committee supported  
21 the proposal the proposal so that rural  
22 residents may sell handicrafts made from  
23 nonedible byproducts of most wildlife.  
24 They believe that this practice is --  
25 well, this practice has done under State  
26 regulations but is not allowed under  
27 Federal since there is no regulation in  
28 place under Federal.

29  
30 Mentasta Traditional Council supported  
31 the proposal.

32  
33 The Lake Clark Subsistence Resource  
34 Commission supported the proposal because  
35 it would allow subsistence users to  
36 maximize the benefits derived from  
37 legally harvested wildlife.

38  
39 The National Parks Conservation  
40 Association supported the proposal  
41 because ANILCA clearly states in Section  
42 .803 that nonedible byproducts of  
43 subsistence harvest wildlife can be used  
44 for handicrafts.

45  
46 The Wrangell-St. Elias Subsistence  
47 Resource Commission unanimously supports  
48 the proposal as modified in the Staff  
49 recommendation. They felt that the  
50 proposal would not cause a conservation

1 concern and it would allow subsistence  
2 users to more fully make use of wildlife  
3 they've harvested.  
4  
5 The Denali Subsistence Resource  
6 Commission supported the proposal with  
7 modification as presented by Staff  
8 because it would provide Federally  
9 qualified subsistence hunters the same  
10 opportunities that are currently  
11 available to those harvesting under State  
12 regulations. The regulation will remove  
13 commercial incentives for harvesting  
14 bears thereby providing additional  
15 protection for overall harvest of  
16 bear.....  
17  
18 This must be the wrong one, sorry, Mr.  
19 Chair, this is one that's from Proposal 1, so we'll have  
20 to get clarification on what Denali Subsistence Resource  
21 Commission did on 02.  
22  
23 With that, Mr. Chair, that concludes the  
24 written public comments.  
25  
26 CHAIRMAN DEMIENTIEFF: Thank you, very  
27 much. We have no additional request for public testimony  
28 at this time.  
29  
30 Regional Council recommendations.  
31  
32 MR. COLLINS: We stated in here we  
33 supported as presented by Staff with the modifications.  
34  
35 CHAIRMAN DEMIENTIEFF: Thank you.  
36  
37 MS. CROSS: Seward Penn also supported  
38 this with modification as presented by the Staff.  
39  
40 MR. STONEY: Thank you, Mr. Chairman.  
41 Members of the Board. The Northwest Subsistence Regional  
42 Advisory Council supported this proposal with  
43 modifications as written.  
44  
45 Thank you, Mr. Chairman.  
46  
47 MS. B. ARMSTRONG: Mr. Chair. The North  
48 Slope Subsistence Regional Advisory Council also  
49 supported the modification and the regulation that they  
50 used to modify is on Page 31 of your book.



1 Thank you.  
2  
3 MR. WILDE: Yukon-Kuskokwim Subsistence  
4 Regional Advisory Council support Proposal 2, five  
5 against none. This would allow subsistence users to  
6 continue traditional practice.  
7  
8 Thank you, Mr. Chairman.  
9  
10 CHAIRMAN DEMIENTIEFF: Thank you.  
11 Additional.  
12  
13 MS. LYONS: Mr. Chair. The Bristol Bay  
14 Regional Advisory Council also unanimously supported this  
15 with modification as cited already.  
16  
17 Thank you.  
18  
19 CHAIRMAN DEMIENTIEFF: Thank you.  
20  
21 MR. BLOSSOM: Yeah, Mr. Chair,  
22 Southcentral also supported this with modification.  
23  
24 CHAIRMAN DEMIENTIEFF: Thank you.  
25  
26 DR. GARZA: Mr. Chairman. Southeast also  
27 voted to support with modification.  
28  
29 CHAIRMAN DEMIENTIEFF: Thank you.  
30  
31 MS. CHIVERS; Mr. Chair.  
32  
33 CHAIRMAN DEMIENTIEFF: Yes.  
34  
35 MS. CHIVERS: The Kodiak/Aleutians also  
36 supported the proposed regulation with the modification  
37 as shown on Page 31, which is the proposed language  
38 supported by the North Slope.  
39  
40 Thank you.  
41  
42 CHAIRMAN DEMIENTIEFF: Thank you. Any  
43 other. Go ahead, Vince.  
44  
45 MR. MATHEWS: Mr. Chairman. I wanted to  
46 correct the position on Denali Subsistence Resource  
47 Commission first.  
48  
49 At their meeting when they took up  
50 Proposal 02, their motion was to adopt

1 the Staff analysis and was passed  
2 unanimously. Their justification was  
3 adoption of these regulations will  
4 provide Federally qualified subsistence  
5 users the same opportunities that are  
6 currently available to those under State  
7 regulations.  
8  
9 So I apologize for the wrong one being in  
10 the book there.  
11  
12 Then going on to Eastern Interior.  
13  
14 Eastern Interior supported with  
15 modification provided by Staff with the  
16 additional modification for allowing the  
17 sale of capes, hides, and sheds as  
18 identified in State regulations. The  
19 Council supported this proposal as  
20 modified by Staff because the practice is  
21 currently allowed under State  
22 regulations, but currently prohibited for  
23 wildlife harvested under Federal  
24 regulations. Adoption of this proposal  
25 will provide the same opportunities that  
26 currently exist under State regulations.  
27  
28 The Council had concerns about not being  
29 able to sell capes, hides and shed horns.  
30 Many subsistence hunters can currently  
31 sell capes and hides. Federal  
32 regulations need to align with State  
33 regulations and allow the sale of capes,  
34 hides and sheds. This would allow full  
35 utilization of the resource.  
36  
37 Mr. Chairman, that modified language is  
38 found on Page 33 of your Board book.  
39  
40 Thank you.  
41  
42 CHAIRMAN DEMIENTIEFF: Thank you. Staff  
43 Committee.  
44  
45 MR. PROBASCO: Thank you, Mr. Chair. The  
46 Staff Committee's recommendations are found on Page 34  
47 and 35.  
48  
49 Interagency Staff Committee recommends to  
50 support with modification and this recommendation follows

1 the same as from the North Slope, Bristol Bay, Seward  
2 Peninsula, Southeast Alaska, Yukon-Kuskokwim, Northwest  
3 Arctic, Western Interior and Kodiak/Aleutians Subsistence  
4 Regional Advisory Councils and the modified language is  
5 on Page 34, Mr. Chair, and the justification is also  
6 written on Page 34 and 35.

7  
8 And I think probably one of the  
9 highlights I just want to hit is the last paragraph.

10  
11 The Interagency Staff Committee did  
12 consider the use of the term big game, has been avoided  
13 in the past for reasons of cultural sensitivity because  
14 some users object to calling their food source game but  
15 has retained the use in this instance. This reference  
16 applies to mounted wildlife trophies, not a normal  
17 subsistence use and none of the 10 Subsistence Regional  
18 Advisory Council objected to its use in this context.

19  
20 Mr. Chair.

21  
22 CHAIRMAN DEMIENTIEFF: Thank you, very  
23 much. Department comments.

24  
25 MR. HAYNES: Mr. Chairman. The  
26 Department supports the proposal as modified by the  
27 InterAgency Staff Committee.

28  
29 We support a Federal regulation  
30 authorizing the sale of handicraft articles made from the  
31 nonedible parts of wildlife harvested for subsistence  
32 uses that is consistent with the State regulations  
33 governing the purchase, sale or barter of game and game  
34 parts.

35  
36 We don't support the proposal as modified  
37 by the Eastern Interior Regional Council to allow the  
38 sale of capes, hides and shed horns as the proposed  
39 regulation is intended only to address the use of  
40 nonedible byproducts of wildlife in making handicrafts  
41 for sale.

42  
43 CHAIRMAN DEMIENTIEFF: Thank you. Board  
44 discussion.

45  
46 MR. BREWSTER: Mr. Chair. I don't quite  
47 where to go with this but I note that the use of the  
48 phrase in the last section significant commercial  
49 enterprise, which we just went around about on in the  
50 last proposal. I'm not saying I oppose the proposal here

1 that is being brought forward by the Staff, but it seems  
2 that this reoccurring phrase is something we're going to  
3 find ourselves dealing with at some time in the future in  
4 some more detail.

5  
6 CHAIRMAN DEMIENTIEFF: Further  
7 discussion.

8  
9 (No comments)

10  
11 CHAIRMAN DEMIENTIEFF: If not, is  
12 somebody prepared to offer a motion.

13  
14 (No comments)

15  
16 CHAIRMAN DEMIENTIEFF: Tom's going to use  
17 his ex-officio capacity to offer a motion.

18  
19 (Laughter)

20  
21 CHAIRMAN DEMIENTIEFF: Is there a motion.

22  
23 (Pause)

24  
25 MS. GOTTLIEB: Mr. Chair.

26  
27 CHAIRMAN DEMIENTIEFF: Yes, Judy.

28  
29 MS. GOTTLIEB: Well, it looks like on  
30 this proposal we did have quite good concurrence and high  
31 degree of support and approval from all the RACS for the  
32 proposal as modified. I think Paul has a good point  
33 here, I guess we could debate whether to keep this last  
34 section in or out. We know it needs further definition  
35 one way or the other but it is in our statute anyhow to --  
36 that subsistence uses not become commercial enterprises,  
37 so we could go either way on it.

38  
39 So I'll go ahead and move that we,  
40 consistent with nine out of 10 of the Regional Advisory  
41 Councils adopt the proposed regulation for 06-02,  
42 statewide regulation.

43  
44 CHAIRMAN DEMIENTIEFF: Is there a second.

45  
46 MR. CESAR: Second.

47  
48 CHAIRMAN DEMIENTIEFF: Okay, we have a  
49 motion made and seconded before us. And I know I intend  
50 to support the motion for the same reasons that you

1 outlined. We do have substantial concurrence with the  
2 RACs in that nine out of 10 agree with the proposal as  
3 modified, and for that reason I intend to support the  
4 motion as well.  
5  
6 Further discussion on the motion.  
7  
8 I'm sorry, Pete.  
9  
10 MR. PROBASCO: Mr. Chair. The second,  
11 for the record, was Niles; is that correct?  
12  
13 MR. CESAR: (Nods affirmatively)  
14  
15 MR. PROBASCO: Okay, thank you.  
16  
17 MS. GOTTLIEB: Mr. Chair.  
18  
19 CHAIRMAN DEMIENTIEFF: Yes.  
20  
21 MS. GOTTLIEB: Just for clarification,  
22 I'm not 100 percent certain that what's on the screen is  
23 what we want to be voting on. Thank you, okay.  
24  
25 (Pause)  
26  
27 CHAIRMAN DEMIENTIEFF: Further discussion  
28 on the motion.  
29  
30 MR. CESAR: Mr. Chair.  
31  
32 CHAIRMAN DEMIENTIEFF: Yes.  
33  
34 MR. CESAR: I mean I agree we've got to  
35 deal with this commercial significant, you know,  
36 commercial enterprise, at some point. I don't know, you  
37 know, if, and I guess I don't feel I'm prepared to deal  
38 with it right now, so by leaving it in there as it is, I  
39 mean does that create a problem for us or is it the  
40 problem that's there is there?  
41  
42 I look at our lawyer, I mean, Keith.  
43  
44 CHAIRMAN DEMIENTIEFF: Keith.  
45  
46 MR. GOLTZ: The words are in the statute.  
47  
48 MR. EDWARDS: But they don't apply to  
49 bears, right? The language does not apply to bears?  
50

1 MR. GOLTZ: The words are in the statute  
2 in relation to customary trade, but they're undefined in  
3 the statute.  
4  
5 CHAIRMAN DEMIENTIEFF: Thank you.  
6 Further discussion.  
7  
8 MR. BREWSTER: Mr. Chair.  
9  
10 CHAIRMAN DEMIENTIEFF: Yes.  
11  
12 MR. BREWSTER: Yes, my Staff here  
13 reminded me that this, in fact -- this proposal would  
14 also apply to bear claws, I am correct in that?  
15  
16 CHAIRMAN DEMIENTIEFF: Dan, do you  
17 have.....  
18  
19 MR. LAPLANT: Mr. Chairman. Yes, that's  
20 correct, the phrase that we have in there is the sale of  
21 handicrafts made from nonedible byproducts would not  
22 constitute a commercial enterprise. That was put in  
23 there to make it consistent with the previous proposal,  
24 but it's not contained within the language of 25(j)9 that  
25 pertains specifically to non-bear handicrafts, yes, so  
26 this statement then would pertain to both bear and non-  
27 bear handicrafts.  
28  
29 Thank you.  
30  
31 CHAIRMAN DEMIENTIEFF: Thank you.  
32 Further discussion on the motion.  
33  
34 (No comments)  
35  
36 CHAIRMAN DEMIENTIEFF: Hearing none, all  
37 those in favor signify by saying aye.  
38  
39 IN UNISON: Aye.  
40  
41 CHAIRMAN DEMIENTIEFF: Those opposed,  
42 same sign.  
43  
44 (No opposing votes)  
45  
46 CHAIRMAN DEMIENTIEFF: Motion carries.  
47  
48 Okay, with that I think we'll go ahead  
49 and let the Southeast people move in, who is going to do  
50 the Staff analysis for Southeast.

1 (Pause)  
2  
3 CHAIRMAN DEMIENTIEFF: The recommendation  
4 from Forest Service is that we do Proposal 8 first so  
5 that's the one we're going to speak to first.  
6  
7 MR. BOYD: Actually we'll do 7 and 8  
8 together.  
9  
10 CHAIRMAN DEMIENTIEFF: Okay, 7 and 8  
11 together.  
12  
13 (Pause)  
14  
15 CHAIRMAN DEMIENTIEFF: Dennis, maybe if  
16 we could just do the Staff analysis on both 7 and 8 and  
17 distinguish just so we're -- they're kind of related so  
18 we need to kind of get them both. I think what the  
19 recommendation of Forest Service is, is that if we do  
20 adopt 8 that there would be no reason for action on 7 but  
21 we need to get the analysis up anyway. So if we can just  
22 combine them and, again, we'll deal with them by separate  
23 motion when it comes down to a motion.  
24  
25 MR. CHESTER: For the record my name is  
26 Dennis Chester. I'm with the U.S. Forest Service, and,  
27 yes, the Staff analysis for 7 and 8 were combined so I'll  
28 be going over both of them. And the Staff analysis  
29 begins on Page 55 of your books.  
30  
31 Proposal WP06-07 was submitted by the  
32 Southeast Alaska Subsistence Regional Advisory Council  
33 and it requests the closure of Federally managed public  
34 lands on Suemez Island to hunting by non-Federally  
35 qualified hunters from August 1 to August 15th and it  
36 also requests the opening of Federally managed public  
37 lands in the southeast portion of Prince of Wales Island  
38 to hunting by non-Federally qualified hunters also from  
39 August 1st to 15th.  
40  
41  
42 Proposal, WP06-08 was submitted by the  
43 Hydaburg Cooperative Association and it requests the  
44 closure of Federally managed public lands on all islands  
45 if Unit 2 on the southwest side of Prince of Wales Island  
46 to deer hunting by non-Federally qualified hunters from  
47 August 1st through 15th, and also requests the opening of  
48 Federally managed public lands in the southeast portion  
49 of Prince of Wales Island to hunting by non-Federally  
50 qualified hunters during the same period.

1 Now, both of these proposals seek to open  
2 up some of the Federally managed public lands on Prince  
3 of Wales to qualified hunters and close island -- to non-  
4 Federally qualified deer hunters and close islands west  
5 of Prince of Wales to those same hunters.

6  
7 And just for clarification at this point  
8 I'd like to point out that all discussion about closures  
9 and openings in this analysis apply only to the August  
10 1st through August 15th timeframe, and also that all  
11 references to openings and closures apply only to  
12 Federally managed public lands.

13  
14 And the next thing I'd like to do is  
15 clarify for you which areas are being discussed in the  
16 analysis, and you each should have a set of four colored  
17 maps that were not in the books, but I believe, have been  
18 provided to you separately. And if you'll look  
19 particularly at Maps A and C at this point in time. Maps  
20 B and D show the Southeast Advisory Council's  
21 recommendations and those will be discussed later.

22  
23 But Map A, if you look at the dark green  
24 portion, kind of in the middle right of the map there,  
25 this shows southeast Prince of Wales Island as defined in  
26 Proposal 7. Proposal 7 proposes to open this area to  
27 non-Federally qualified hunters from August 1st through  
28 August 15th. But for today I would like to call this  
29 area south Prince of Wales just to distinguish it from  
30 southeast Prince of Wales as defined in Proposal 8. And  
31 also on that map in kind of the upper left area is a  
32 light yellow colored island, that is Suemez Island and  
33 that is the island that this proposal requests to close  
34 to non-Federally qualified hunters.

35  
36 Next, if you look at Map C, the dark  
37 green area there in the middle right is the area defined  
38 in Proposal 8 as southeast Prince of Wales and this is  
39 the area that is proposed for opening to non-Federally  
40 qualified hunters. And on the left side of the map is in  
41 light yellow is the southwest islands that are proposed  
42 for closure. And you'll note that this also includes  
43 Suemez Island.

44  
45 So there are basically four separate  
46 areas that we'll be discussing.

47  
48 South Prince of Wales as defined in  
49 Proposal 7. Southeast Prince of Wales as defined in  
50 Proposal 8. Suemez Island and Southwest Islands.



1                   The portion of Proposal 7 that proposes  
2 opening south Prince of Wales is a result of the  
3 Southeast Regional Advisory Council's Unit 2 Deer  
4 cooperative planning subcommittee process. This group  
5 found that the southeast area had received little use by  
6 Federally qualified subsistence users but was used by  
7 non-Federally qualified hunters in the season prior to  
8 the school year, thus, the proponent felt that it could  
9 be opened to all hunters without adverse effects on  
10 subsistence users.

11  
12                   The proponent also felt that Suemez  
13 Island -- that closing Suemez Island to non-Federally  
14 qualified hunters during early August would help  
15 Federally qualified subsistence hunters meet their needs.  
16 This is an important deer harvesting area and has easy  
17 access to Prince of Wales Island and with good hunting  
18 opportunities.

19  
20                   Proposal 8 proposes opening southeast  
21 Prince of Wales Island based on the same process and  
22 rationale that Proposal 7 uses. They are different  
23 because of an error in the draft subcommittee report that  
24 the RAC used to develop the proposal so there's no intent  
25 for a difference there, but the proposal as written had  
26 that difference.

27  
28                   The proponent of Proposal 8 states that  
29 the southwest islands are an important subsistence deer  
30 harvesting area with easy access from Prince of Wales and  
31 good hunting opportunities and the proponents feel that  
32 the competition from urban hunters has affected the  
33 Hydaburg resident's ability to get the deer they need in  
34 the early part of the season.

35  
36                   Under the existing proposed or existing  
37 Federal regulations are shown -- or are in the analysis  
38 on Page 58, I would like to point out that under existing  
39 regs, all Federally managed public lands on Prince of Wales  
40 Island are closed to non-Federally qualified hunters from  
41 August 1st through 15th, and all islands are open to all  
42 hunters during that time.

43  
44                   The existing State regulation is shown on  
45 Page 59 and the main point here is that the State and  
46 Federal seasons differ. The State season begins on  
47 August 1st compared to the July 24th Federal season and  
48 also the does not allow harvest of does.

49  
50                   83 percent of the lands in Unit 2 are

1 managed -- are Federally managed public lands, primarily  
2 Forest Service. And all rural residents of Units 1A, 2  
3 and 3 have a positive customary and traditional use  
4 determination for Unit 2. And what this means is that in  
5 addition to residents of Prince of Wales, residents of  
6 Kake, Petersburg, Wrangell, Saxman, Metlakatla and  
7 actually even some Ketchikan area residents who are  
8 outside the urban boundary are Federally qualified  
9 subsistence hunters.

10

11 The regulatory history begins on Page 59  
12 and is summarized in the table on Page 60. Federal  
13 regulations mirrored State regulations through 1994 but  
14 since then have incrementally diverged. Since 1997, the  
15 Federal season has included an antlerless deer hunt. And  
16 then in 2003 the Federal subsistence season has opened on  
17 July 24th on Federally managed public lands but they have  
18 been closed to non-Federally qualified hunters during the  
19 early August period on Prince of Wales Island. In 2005,  
20 the Federal and State programs adopted a joint harvest  
21 report that is required for all hunters.

22

23 The current events begin discussion on  
24 Page 61, and due to the large number of proposals  
25 presented to the Board regarding Unit 2 over the past  
26 decade, the Southeast Regional Council requested, and,  
27 you, the Board, authorized the creation of the Council  
28 subcommittee to address deer issues and since you've  
29 already heard the report I will not go into this any  
30 further. But just so that you know that the results of  
31 that so far related to this, are that the joint harvest  
32 report and the proposals I'm going to be discussing here  
33 are results of that effort.

34

35 And then the biological discussion begins  
36 on Page 62. Productive old growth forest is a critical  
37 habitat component for deer during deep snow winters and  
38 is thought to be the most limiting factor for deer in  
39 Southeast Alaska. The structural diversity of the forest  
40 canopy provides snow interception while allowing sunlight  
41 through to support the growth of forage plants. Some  
42 areas of Unit 2 have decreased habitat capability because  
43 of clear-cut logging of old growth forest. And although  
44 recent clear-cuts may produce abundant forage it may not  
45 be available during the winter and is not as nutritious  
46 as forage in the forest. And young growth forests do not  
47 provide much forage at all.

48

49 Figure 2 on Page 62 shows the percent of  
50 old growth forest remaining on Federal lands in Unit 2.

1 And this is reported by Wildlife Analysis Area, or WAA,  
2 which are land divisions used by the Alaska Department of  
3 Fish and Game for wildlife analysis and are the smallest  
4 area for which data is available. Basically all the  
5 wildlife analysis areas affected by these proposals have  
6 95 to 100 percent old growth remaining on Federal lands,  
7 however, three of the wildlife analysis areas have  
8 substantial private lands on which timber -- a lot of  
9 timber has been harvested. And you can look at those  
10 locations of those WAAs as shown on Page 64, Map 3.

11  
12 The most direct available data on deer  
13 populations come from deer pellet transects conducted by  
14 the Alaska Department of Fish and Game and the U.S.  
15 Forest Service since the 1980s, however, the technique  
16 was designed to detect trends at a regional scale over a  
17 period of years and thus has little power to detect  
18 changes at small, temporal and spacial scales. And as  
19 you can see on Figure 3 on Page 66, based on pellet group  
20 data deer densities in Unit 2 are below the Fish and Game  
21 Management objective of 1.4 deer pellets groups per plot.  
22 The Alaska Department of Fish and Game, however,  
23 considers the Unit 2 deer population to be stable, but a  
24 long-term population decline is expected based on habitat  
25 models and trends in the available old growth forest  
26 habitat. But at this time there is no conservation  
27 issue.

28  
29 Harvest history discussion begins on Page  
30 65 of your books. And first I'd like to point out that  
31 there are several different sources of information on  
32 deer harvest, none of which are comprehensive. This  
33 analysis includes data from the Alaska Department of Fish  
34 and Game, Division of Subsistence Household Surveys,  
35 Alaska Department of Fish and Game, Division of Wildlife  
36 Conservation voluntary mail out surveys, and Federal  
37 registration permit reports. Data from the 2005  
38 mandatory harvest report are not yet available but should  
39 provide comprehensive data into the future. And, of  
40 course, there's also public testimony.

41  
42 I have a few cautions about the harvest  
43 data that I've presented. The household survey data  
44 probably provides the most reliable quantitative measures  
45 of community deer harvest for the study years covered,  
46 however, cost complexity and burden on the public  
47 preclude conducting them very often and because they  
48 cannot be undertaken frequently household surveys are  
49 poor indicators of short-term changes in harvest  
50 patterns.

1                   The Alaska Department of Fish and Game,  
2 Division of Wildlife Conservation has undertaken  
3 voluntary mail out surveys of hunters in Southeast Alaska  
4 for almost 20 years, but participation on these yearly  
5 surveys is voluntary. The survey is designed to provide  
6 regional estimates of deer harvest and may be useful in  
7 identifying large scale trends in harvest over time.  
8 And, although I have presented data at the community and  
9 WAA level, these data are not statistically adequate to  
10 accurately measure harvest trends at these levels and, in  
11 fact, I've talked to the biologists who are putting the  
12 report together currently and probably will not be  
13 reported at this level in the future.  
14

15                   I present these data as the best  
16 available for a general sense of harvest patterns. Data  
17 from the mail out surveys may differ substantially from  
18 harvest estimates provided by the Division of Subsistence  
19 interview surveys especially for small communities where  
20 sample sizes are small and you may have large variances.  
21

22                   Federal registration permits were  
23 required in 2003 and 2004 for Federally qualified  
24 subsistence users who wanted to hunt, either in the early  
25 season or to harvest a doe which are not legal under  
26 State regulations. So these permits were not used by all  
27 hunters and report only a relatively small portion of the  
28 activity. As well some of the activity from these  
29 permits seems to be captured in the Fish and Game mail  
30 out survey result reports.  
31

32                   Testimonial data is hard to quantify. A  
33 number of Federally qualified subsistence hunters who  
34 have traditionally hunted for deer on Prince of Wales  
35 Island have testified to the Council and to the Board at  
36 meetings over the last decade that their subsistence  
37 needs for deer are not being met and they are no longer  
38 able to harvest deer that they -- with the level of  
39 effort that they are accustomed to using. They have  
40 expressed concerns about increasing competition with non-  
41 Federally qualified hunters and possible declines in the  
42 deer population, and the near certainty that the pressure  
43 on both the deer resource and the hunting experience will  
44 increase on the Prince of Wales.  
45

46                   Yearly proposals concerning the Unit 2  
47 deer indicate that these concerns continue despite  
48 regulation changes.  
49

50                   Some level of quantification of how

1 widely these concerns are shared may be indicated in a  
2 recent summary report by Todd Brinkman. He summarized  
3 his interviews that he conducted with key informants from  
4 Prince of Wales communities, Ketchikan and Saxman to  
5 collect hunter perceptions on deer hunting patterns, deer  
6 population trends, deer habitat and hunting access. He  
7 found that approximately 50 percent of Prince of Wales  
8 residents perceived off-island hunters as having affected  
9 their hunting experience, household deer hunting success  
10 and have competed with them for deer. Eighty percent of  
11 off-island residents reported that the hunt the northern  
12 half of Prince of Wales and few reported that they hunt  
13 the outer island or the southern portion of Prince of  
14 Wales Island. However, since the interviewees were not  
15 randomly selected, it's hard to say how well these  
16 numbers reflect the general hunting population. It's  
17 also important to remember that there are quite a number  
18 of off-island hunters that are Federally qualified  
19 subsistence hunters in Unit 2.

20  
21 If you look at the Figure 6 on Page 67  
22 you see that for Unit 2, overall, and based on Fish and  
23 Game mail out survey data, the estimated harvest for Unit  
24 2 was above their management objective of 2,700 deer in  
25 2000 and 2001 but dropped to less than 2,000 deer by  
26 2003. And this is the most recent data that is  
27 available.

28  
29 Figure 7 on Page 69 shows that WAAs  
30 affected by these proposals contribute an overall low  
31 percentage of the Unit 2 deer harvest.

32  
33 Referring to Figures 8 and 9 on Page 72,  
34 Federal registration permit report data indicate that  
35 Federal subsistence hunters are making substantial use of  
36 the July hunting season provided by the Board in 2003 as  
37 well as the early August hunt time period.

38  
39 Now, starting on Page 70 I present  
40 information specific to the areas affected by these  
41 proposals and I'll try to discuss them by the areas I  
42 present -- the four areas I presented earlier, and I'll  
43 start with Suemez Island, which is also known as WAA 901.

44  
45 Using the Federal permit reports  
46 summarized in Table 2 on Page 76, it shows that the  
47 Federal subsistence hunters on Suemez Island during the  
48 early season, there were some hunters during the early  
49 season but more harvest actually occurred later in the  
50 season, however it's unknown what percentage of the

1 overall harvest this data represents.

2

3                   Using the Fish and Game mail out survey  
4 results for Suemez Island from 2000 to 2003, which are  
5 presented in Table 3 and 4 on Page 76, Table 3 shows the  
6 estimated number of hunters and Table 4 shows the  
7 estimated deer harvest. Federally qualified subsistence  
8 hunters accounted for 80 percent of the hunters and 85  
9 percent of the reported harvest. Craig residents  
10 accounted for most hunters, and by far the most deer  
11 harvest.

12

13                   Figures 10 and 11 on Pages 73 show the  
14 1997 estimated harvest for Craig and Hydaburg for Suemez  
15 and this is based on the Fish and Game, Division of  
16 Subsistence household survey and it indicates that Craig  
17 harvested between 11 and 30 deer from Suemez Island and  
18 Hydaburg harvested between 16 to 26 deer.

19

20                   Now, moving to the Southwest Islands,  
21 Table 8 on Page 78 shows the Federal permit holder use,  
22 again, July and August were represented but more of the  
23 harvest occurred later in the season. Fish and Game mail  
24 out survey results for the Southwest Islands for the 2000  
25 to 2003 time period are presented in Tables 9 and 10 at  
26 Pages 79 and 80. Table 9, again, presents estimated  
27 number of hunters and Table 10 the estimated deer  
28 harvest. Crag and Klawock were the primary users of Dall  
29 Island. Ketchikan accounted for most hunters and the  
30 most consistent use of Long Island. Craig, Klawock and  
31 Hydaburg all had similar use of WAA 1107, which is a  
32 little bit tricky because this includes Sukkwan Island,  
33 which is in the proposed closure area but it includes  
34 part of Prince of Wales Island which is not part of the  
35 proposed closure. However, it's not possible to separate  
36 out the data and I'm pretty sure that most of this  
37 harvest actually occurs and use occurs on Prince of Wales  
38 Island.

39

40                   Tables 9 and 10 indicate that  
41 approximately 80 percent or more of the hunters and deer  
42 harvested on Suemez Island, Dall Island and WAA 1107 were  
43 by residents of Unit 2. Non-Federally qualified hunters  
44 accounted for 73 percent of the Long Island hunters and  
45 92 percent of the deer harvest on that island.

46

47                   Overall for all these islands, the  
48 Southwest Islands, Unit 2 residents accounted for 74  
49 percent of the hunters and 69 percent of the harvest.

50

1 Alaska Department of Fish and Game  
2 household survey from 1997 is summarized in Figures 10  
3 and 11 on Pages 73 and 74 and suggests that the Southwest  
4 Islands provided a relatively minor portion of the  
5 overall harvest for Craig and Hydaburg.

6  
7 For south Prince of Wales Island, 13  
8 hunters with Federal permits reporting harvesting 15 deer  
9 in this area during 2003 and 2004 seasons, however, all  
10 but two of the deer were harvested in WAA 1107 which  
11 includes the Prince of Wales area, that includes Hydaburg  
12 and then again half of this area is outside the south  
13 Prince of Wales area.

14  
15 Mail out survey results for south Prince  
16 of Wales from 2000 to 2003 are presented in Tables 6 and  
17 7 on Pages 77 and 78. Table 6 displays the number of  
18 hunters and Table 7 the estimated deer harvest.  
19 Ketchikan is the only community reporting consistent use  
20 of any of the WAAs other than 1107. However, in contrast  
21 to the more recent Fish and Game mail out survey data,  
22 the household survey data from 1997 shown in Figure 10 on  
23 Page 73 indicates that Craig residents may have utilized  
24 WAAs 1210 and 1211 more heavily in the past. They didn't  
25 show up in the most in the more current mail out survey.

26  
27 Figure 11 on Page 74 suggests that  
28 Hydaburg did not harvest in this south Prince of Wales  
29 area.

30  
31 Only one Federally qualified subsistence  
32 hunter obtained a Federal permit to harvest deer in the  
33 southeast Prince of Wales area during 2003 to 2004 and  
34 this hunter was not a Prince of Wales resident.

35  
36 Fish and Game mail out survey results  
37 from southeast Prince of Wales for 2000 to 2003 are  
38 presented in Tables 11 and 12 on Page 81. Table 11  
39 displays, again, the number of hunters, and in 12 the  
40 estimated harvest. Overall for southeast Prince of Wales  
41 non-Federally qualified accounted for 77 percent of the  
42 hunters and 36 percent of the deer harvest. Mail out  
43 survey data from '89 to '96 is shown in Figure 12 on Page  
44 75 and indicate that the majority of harvest was by non-  
45 Federally qualified hunters, so a little bit of  
46 discrepancy there.

47  
48 The effects of the proposals are  
49 discussed starting on the bottom of Page 71 and then it  
50 jumps to Page 82. For south and southeast Prince of

1 Wales Island both proposals would remove the closure of  
2 Federally managed public lands to non-Federally qualified  
3 deer hunters in some portion of southeast Prince of Wales  
4 from August 1 to 15. The available data and public input  
5 suggest that non-Federally qualified hunters are the  
6 primary users of the east side, but show very little or  
7 no use on the west side.

8  
9 Federally qualified subsistence hunters  
10 use the east side but to a minimal extent.

11  
12 There seems to be consensus that these  
13 proposals would allow non-Federally qualified deer  
14 hunters additional opportunities to harvest deer without  
15 impacting Federally qualified subsistence users.

16  
17 For Suemez Island, both proposals would  
18 close the island to non-Federally qualified deer hunters  
19 from August 1 to 15. The existing data indicate that the  
20 area is used by Federally qualified subsistence users as  
21 well as non-Federally qualified deer hunters, but  
22 approximately 80 percent of the use is by Federally  
23 qualified subsistence users.

24  
25 These proposals could limit hunting  
26 opportunity for non-Federally qualified, although the  
27 data were not sufficient to allow us to determine how  
28 many have hunted during the proposed closure period.

29  
30 For the Southwest Islands as a whole,  
31 Proposal 8 would exclude non-Federally qualified deer  
32 hunters from hunting on the Southwest Islands of Unit 2  
33 from August 1 to 15. Existing data indicate that  
34 approximately a quarter of the hunters that use the  
35 Southwest Islands from 2000 to 2003 were non-Federally  
36 qualified hunters. Over half of the estimated harvest  
37 from 1989 to 1996 on Dall Island and Long Islands was by  
38 non-Federally qualified hunters but their use of Dall  
39 Island appears to have decreased since then.

40  
41 Dall Island and Long Islands have large  
42 areas of Native Corporation lands that have had logging  
43 operations which could explain the relatively high use of  
44 these islands by non-Federally qualified deer hunters.  
45 Most of Long Island is owned by Native Corporations with  
46 a relatively small portion being Forest Service managed  
47 public lands.

48  
49 Proposal 8 could limit hunting  
50 opportunities.....



1 CHAIRMAN DEMIENTIEFF: If I could ask you  
2 just to summarize, I mean believe you me.....

3  
4 MR. CHESTER: Okay, I've just got.....

5  
6 CHAIRMAN DEMIENTIEFF: .....that the  
7 Board has prepared themselves with this and I don't think  
8 we need to go through this verbatim. I know I've had one  
9 special meeting on this topic with one of our Staff and  
10 all of us have gone through the material so if we could  
11 just summarize. I don't want to be rude or nothing  
12 but.....

13  
14 MR. CHESTER: Okay, I've got about one  
15 minute left.

16  
17 Proposal 8 could limit hunting  
18 opportunities for non-Federally qualified hunters during  
19 the period. Again, the data were not sufficient to allow  
20 us to determine how many would have hunted during the  
21 closure period.

22  
23 Proposal 8 would likely have a greatly  
24 impact on non-Federally qualified deer hunters than would  
25 Proposal 7, primarily as a result of the high use of Long  
26 Island.

27  
28 Closing the Southwest Islands, including  
29 Suemez to non-Federally qualified is not consistent with  
30 ANILCA, Section .815 suggests that restrictions on non-  
31 subsistence uses is not authorized unless necessary for  
32 the conservation of healthy fish and wildlife  
33 populations, to continue subsistence uses of such  
34 populations or for public safety or administrative  
35 purposes.

36  
37 With respect to this there is no  
38 conservation concern for Unit 2 deer.

39  
40 That concludes my information.

41  
42 CHAIRMAN DEMIENTIEFF: Thank you. Dolly,  
43 did his clarification answer your point or did you have  
44 further clarification -- okay, good.

45  
46 With that I think we're going to go  
47 ahead, before we continue on, and take a lunch break. I  
48 don't know about you guys but I'm hungry so we'll get as  
49 close to 1:00 o'clock as we can.

50

1 (Off record)  
2  
3 (On record)  
4  
5 CHAIRMAN DEMIENTIEFF: If accidentally  
6 burp over the microphone, you're just going to have to  
7 excuse me, I had to grab a hot dog down here at the  
8 vendors, I was on the fly, I was shopping for Tom's  
9 retirement gift and it took the whole lunch hour and I  
10 didn't have a chance to stop anywhere so we should suffer  
11 through it.  
12  
13 MR. BOYD: So I'm getting a hot dog, is  
14 that what it is?  
15  
16 CHAIRMAN DEMIENTIEFF: Yeah, he's getting  
17 a hot dog for his retirement gift.  
18  
19 (Laughter)  
20  
21 CHAIRMAN DEMIENTIEFF: Okay. Written  
22 public comments.  
23  
24 DR. SCHROEDER: Mr. Chairman. We have no  
25 written public comments for these proposals.  
26  
27 CHAIRMAN DEMIENTIEFF: We don't have any  
28 requests for additional -- oh, do we?  
29  
30 MR. BOYD: Yes, this just came in, Willard  
31 Jackson.  
32  
33 CHAIRMAN DEMIENTIEFF: Okay, Willard  
34 Jackson.  
35  
36 MR. JACKSON: Gunalcheesh. My Tlingit  
37 name is (In Native), that means the watchman by the side  
38 of the bay.  
39  
40 Prince of Wales in Unit 2 and Long Island  
41 and Forester Island and particularly the community of  
42 Hydaburg was once an area that was occupied by the  
43 Teikukeidi and our movement and our history tells us we  
44 moved to Duke Island off of Prince of Wales. I really  
45 appreciate the young man's long, long report on the area  
46 and the hunting on Prince of Wales.  
47  
48 Ketchikan Indian Community and Ketchikan  
49 residents, our enrollment, and I'm the enrollment officer  
50 at KIC, as of tomorrow night will be 5, 235 members.

1 We're the second largest tribe in Southeast Alaska. And  
2 we do, at times, hunt on Prince of Wales. Prince of  
3 Wales has 5,000 miles of road. There's a lot of clear-  
4 cut in that area so it's very common for either Saxman or  
5 Ketchikan or Metlakatla to hunt on parts of that island.

6  
7 The history that the Teikukeidi have on  
8 there goes back to the Inu people, we are connected also  
9 to the Inu people, we are also connected to the Hyda  
10 people, so our history is quite lengthy. It would take  
11 all day to discuss who I am and where I came from. But  
12 the boundaries as I shared earlier, we where them on our  
13 blanket, it's called our Atu, this is our piece of real  
14 estate as well as I'm talking about the area, Prince of  
15 Wales.

16  
17 For Ketchikan, I don't hunt anymore  
18 because of my sickness. My boys hunt but they  
19 particularly hunt in the Ketchikan area. But a lot of my  
20 brothers and a lot of my clan sisters, whether they be  
21 from the Tlingit Nation or the Haida Nation or the  
22 Tsmishian Nation of them 5,325 members often times go on  
23 to that island to hunt.

24  
25 Thank you, very much. Gunalcheesh.

26  
27 CHAIRMAN DEMIENTIEFF: Thank you.  
28 Regional Council recommendation.

29  
30 DR. GARZA: Thank you, Mr. Chair. It  
31 looks like the proposals have been combined and so it's a  
32 little difficult to muddle through this and so what I  
33 would like to ask you to do is on the colored maps, the  
34 actual Southeast Regional Advisory Council recommendation  
35 is the last map, Map D. And in that packet there are  
36 four maps, A, B, C, D. Map A does not recommend anyone's  
37 recommendation and was a mistake and is probably there  
38 because it was entered into the record but does not  
39 represent any of the recommendations.

40  
41 The recommendations from the Southeast  
42 Regional Advisory Council in consideration of the Unit 2  
43 Subcommittee, taking their recommendations into account,  
44 as well as the proposals and the recommendations from the  
45 citizens of both Ketchikan and Prince of Wales, are  
46 several fold. One is to provide an additional opening  
47 for Ketchikan residents and this is for the southeast  
48 portion of Prince of Wales Island on Map D, this is the  
49 dark green.

50

1                   The justification, Mr. Chairman, is that  
2 this is fairly close for Ketchikan boaters to come over  
3 to. It was also identified because there is very little  
4 use by on-island residents. Further, there is no road  
5 access so it makes it easier for enforcement to identify  
6 whether or not someone came over by boat or if they came  
7 by road. So it was a recommendation that was supported  
8 by Ketchikan people as well as by Prince of Wales people.  
9

10                   I need to go back a little bit in history  
11 in terms of the Outside Islands, Mr. Chairman. In 2003,  
12 and I know this has been before you, in 2003 the original  
13 proposal was from Hydaburg was to close all of Prince of  
14 Wales for 10 days in August. Okay. When they submitted  
15 that original proposal in 2003, the intent of the  
16 proposal makers and I did speak to Hydaburg Cooperative  
17 on this, was to include all of the Outside Islands in  
18 that closure. The Federal Subsistence Board modified the  
19 recommendation and closed it for 21 days but excluded the  
20 islands from that closure, so they remained opened to  
21 Ketchikan residents.  
22

23                   The next year, Mr. Chairman, the  
24 Ketchikan were in uproar about the 21 day closure. They  
25 sort of thought they could live with 10 days but they  
26 weren't happy with the 21 and, of course, we, as a  
27 Council and as the Federal Subsistence Board responded by  
28 going right down the middle and cutting August in half  
29 giving Ketchikan people the last half of August and  
30 Prince of Wales people the first part of August. And the  
31 basis for the Ketchikan's need to go to Prince of Wales  
32 in August was it was a time that they could bring their  
33 family over before school started and their interest in  
34 Prince of Wales was to go to the Alpine area, and I know  
35 this from speaking to numerous hunters.  
36

37                   Didn't have a lot of interest in those  
38 Outside Islands and that is reflected in the harvest  
39 numbers that you see that were reported by Mr. Chester.  
40

41                   And so with that in mind the Southeast  
42 Regional Advisory Council supported the proposal to close  
43 Suemez Island to nonrural residents for those first two  
44 weeks in August. And then the proposal from Hydaburg  
45 Cooperative to close the Outside Islands, which are  
46 identified on Proposal D, was modified to hopefully allow  
47 Ketchikan residents to harvest on Long Island. And the  
48 basis for that request, Mr. Chairman, is on Page 79, I  
49 think is the easiest one to look at, Table 9, where it  
50 shows that Suemez is used primarily by Craig residents

1 and that Long Island is the island that is most important  
2 to Ketchikan residents.

3

4 And so the recommendation from the  
5 Southeast Regional Advisory Council is as summarized on  
6 Map D.

7

8 Thank you.

9

10 CHAIRMAN DEMIENTIEFF: Thank you. Staff  
11 Committee.

12

13 MR. PROBASCO: Thank you, Mr. Chair.  
14 Staff Committee's recommendations are found starting on  
15 Page 51 and ending on Page 54.

16

17 Starting with Proposal 7, Mr. Chair, the  
18 Staff Committee is recommending to take no action, which  
19 is contrary to the recommendation of the Southeast Alaska  
20 Subsistence Regional Advisory Council. There are two  
21 parts in this proposal. One is to remove the closure to  
22 non-Federally qualified hunters on the southern end of  
23 Prince of Wales Island and implementation of a closure to  
24 non-Federally qualified hunters on Suemez Island.

25

26 The InterAgency Committee recommends that  
27 the Board take action on Proposal 8 rather than Proposal  
28 7. We feel that all issues that are addressed in both  
29 these proposals can be accomplished on Proposal 8, Mr.  
30 Chair.

31

32 Proposal 8 has two recommendations,  
33 there's both a majority and a minority.

34

35 The majority recommendation is to support  
36 with modification as recommended by the  
37 Southeast Council for the southeast  
38 portion of Prince of Wales Island,  
39 however, is contrary to the Council's  
40 recommendation for the southwest island.  
41 With this modification all islands in  
42 Unit 2 on the southwest side of Prince of  
43 Wales Island would remain open to non-  
44 Federally qualified users.

45

46 And I'll draw your attention that there's  
47 three parts to this proposal for our justification on  
48 Pages 51 and 52.

49

50 1. The first part is the removal of this

1 closure to non-Federally qualified on the  
2 southern end of Prince of Wales Island,  
3 that's what this recommendation would do;  
4

5 2. It would also implementation of a  
6 closure to non-Federally qualified  
7 hunters on Suemez Island; and  
8

9 3. Implementation of a closure to non-  
10 Federally qualified on the southwestern  
11 islands in Unit 2.  
12

13 And Suemez Island is part of this area  
14 but will be treated as a separate part of the proposal  
15 for continuity with Proposal 7, Mr. Chair.  
16

17 The recommendation is to remove the  
18 closure, as I stated.  
19

20 And as far as addressing Suemez Island,  
21 the majority of the Staff Committee  
22 opposes the recommendation of the Council  
23 to close the island to non-Federally  
24 qualified hunters during the first 15  
25 days in August. In order to close the  
26 island, one of the criteria from ANILCA,  
27 Section .815(3) must be met. In essence,  
28 this section says that a closure cannot  
29 be made unless there's a conservation  
30 concern or continue subsistence uses.  
31

32 And then for southwest Unit 2 islands,  
33 the InterAgency Staff Committee  
34 recommends that all of the southwest  
35 islands should remain open to non-  
36 Federally qualified hunters during the  
37 first 15 days in August.  
38

39 And further justifications for the  
40 majority opinion is provided on Page 52 and 53.  
41

42 The minority recommendation is to support  
43 with modification as recommended by the  
44 Southeast Regional Advisory Council for  
45 the southeast portion for Prince of Wales  
46 Islands and contrary to the Council's  
47 recommendation for the southwest island.  
48 With this modification all islands in  
49 Unit 2 on the southwest side of Prince of  
50 Wales Island, except Suemez Island would

1 remain open to non-Federally qualified  
2 users.

3  
4 Mr. Chair, that's the Staff Committee's  
5 recommendation.

6  
7 CHAIRMAN DEMIENTIEFF: Thank you, very  
8 much. Department comments.

9  
10 MR. HAYNES: Thank you, Mr. Chairman. On  
11 Proposal 06-07, the Department recommends that this  
12 proposal not be adopted, or if Proposal 8 is a vehicle  
13 for addressing these issues, that the Board take no  
14 action on this proposal consistent with the Staff  
15 Committee recommendation.

16  
17 As was clearly stated in the analysis  
18 there's no evidence presented that supports closing  
19 Suemez Island to non-Federally qualified deer hunters  
20 during August 1 to 15 in order to reduce competition with  
21 Federally qualified subsistence users. The available  
22 data indicate that most hunters on Suemez Island are  
23 Prince of Wales Island residents who also are responsible  
24 for most of the deer harvest that's been reported.

25  
26 There's no conservation issue at this  
27 time that requires limiting deer hunting on Suemez Island  
28 to only Federally qualified Federal Subsistence Board  
29 users.

30  
31 On Proposal 06-08, consistent with the  
32 majority recommendation of the InterAgency Staff  
33 Committee, the Department supports opening the east side  
34 of southeast Prince of Wales Island to deer hunting by  
35 non-Federally qualified users from August 1 to 15.  
36 Retaining the closure of Federal public lands on the  
37 western side of southeast Prince of Wales Island to deer  
38 hunting by non-Federally qualified subsistence users from  
39 August 1 to 15, and keeping open all other islands  
40 southwest of Prince of Wales Island in Unit 2 to deer  
41 hunting by non-Federally qualified subsistence users from  
42 August 1 to 15. Competition between Federally qualified  
43 subsistence users and non-Federally qualified subsistence  
44 users is not identified as an issue and closing these  
45 islands is not necessary for conservation purposes.

46  
47 Thank you.

48  
49 CHAIRMAN DEMIENTIEFF: Thank you. Board  
50 discussion.

1 MR. BREWSTER: Mr. Chairman. I move to  
2 adopt Proposal 08 as recommended by the Southeast Alaska  
3 Regional Advisory Council. And I'd like to let you know  
4 that following a second, I will immediately propose to  
5 divide the question into three separate parts for ease of  
6 discussion. Am I premature in offering this motion or is  
7 there need for further discussion, if I may ask the  
8 Chair?  
9  
10 CHAIRMAN DEMIENTIEFF: Thank you. Is  
11 there a second to the motion.  
12  
13 MS. GOTTLIEB: I'll second it.  
14  
15 MR. BREWSTER: Let me just elaborate.  
16 The three parts that I will divide this into will be  
17 first elimination of the August 1 through 15 closure on  
18 the southeast portion of Prince of Wales Island, for  
19 which there seems to be a consensus.  
20  
21 Second part would be to whether an August  
22 1 through 15 closure should be put in place for Suemez  
23 Island.  
24  
25 And the third part would be whether an  
26 August 1 through 15 closure should be put into place for  
27 the rest of the Southwestern Islands in Unit 2.  
28  
29 Again, first I move to adopt Proposal 08  
30 as recommended by this Regional Advisory Council.  
31  
32 CHAIRMAN DEMIENTIEFF: Yeah, we have a  
33 second already.  
34  
35 MR. BREWSTER: We have a second, okay.  
36  
37 CHAIRMAN DEMIENTIEFF: Yeah, so it's on  
38 the table right now.  
39  
40 MR. BREWSTER: Okay.  
41  
42 CHAIRMAN DEMIENTIEFF: We're ready.  
43  
44 MR. BREWSTER: Okay, I move to divide the  
45 question to three parts.  
46  
47 Again, one elimination of the August 1  
48 through 15 closure on the southeast portion of Prince of  
49 Wales Island, for which there is consensus.  
50



1                   Second, whether an August 1 through 15  
2 closure should be put in place for Suemez Island.  
3  
4                   And third whether an August 1 through 15  
5 closure should be put into place for the rest of the  
6 Southwestern Islands in Unit 2.  
7  
8                   CHAIRMAN DEMIENTIEFF: There is a motion  
9 to divide, is there a second.  
10  
11                  MR. CESAR: I'll second that.  
12  
13                  MR. EDWARDS: Question.  
14  
15                  CHAIRMAN DEMIENTIEFF: Yes.  
16  
17                  MR. EDWARDS: Mr. Chairman. Does that  
18 mean then we're going to vote on each of the three  
19 questions separately or.....  
20  
21                  CHAIRMAN DEMIENTIEFF: Correct. So with  
22 that being said, all those in favor of dividing the  
23 question into three parts, please signify by saying aye.  
24  
25                  IN UNISON: Aye.  
26  
27                  CHAIRMAN DEMIENTIEFF: Those opposed,  
28 same sign.  
29  
30                  (No opposing votes)  
31  
32                  CHAIRMAN DEMIENTIEFF: Motion carries.  
33 All right, you ready to tackle Part A.  
34  
35                  MR. BREWSTER: I'll take it one at a  
36 time.  
37  
38                  I move to adopt the recommendation of the  
39 Southeast Alaska Council -- excuse me, I'm not sure I'm  
40 in the right place -- I move to adopt the recommendation  
41 of the Southeast Alaska Regional Advisory Council to  
42 remove the August 1 through 15 closure on the southeast  
43 portion on Prince of Wales Island.  
44  
45                  Following a second, and I believe we have  
46 had consensus on the recommendation of the Southeast  
47 Council. The Council, the Alaska Department of Fish and  
48 Game and all member agencies seem to be in agreement with  
49 this part of the regulatory proposal.  
50

1 So I'd ask for a second.  
2  
3 MR. CESAR: I'll second that motion.  
4  
5 CHAIRMAN DEMIENTIEFF: Okay. Good.  
6 Okay, discussion, you wanted to follow up.  
7  
8 MS. GOTTLIEB: Mr. Chair.  
9  
10 CHAIRMAN DEMIENTIEFF: Judy.  
11  
12 MS. GOTTLIEB: Just to keep straight, so  
13 this part is consistent with the recommendations of the  
14 cooperative subcommittee?  
15  
16 CHAIRMAN DEMIENTIEFF: Yes.  
17  
18 MS. GOTTLIEB: Thank you.  
19  
20 CHAIRMAN DEMIENTIEFF: Gary.  
21  
22 MR. EDWARDS: Just for a little  
23 clarification it's actually consistent with the Council,  
24 not the subcommittee, because it's the Council's report.  
25  
26 MS. GOTTLIEB: Thank you. I guess I was  
27 just trying to ascertain if the Council got there because  
28 of what the subcommittee had -- of the work that the  
29 subcommittee had looked at and provided to the Council.  
30  
31 CHAIRMAN DEMIENTIEFF: Further discussion  
32 on the motion.  
33  
34 (No comments)  
35  
36 CHAIRMAN DEMIENTIEFF: Hearing none, all  
37 those in favor of the motion, please signify by saying  
38 aye.  
39  
40 IN UNISON: Aye.  
41  
42 CHAIRMAN DEMIENTIEFF: Those opposed,  
43 same sign.  
44  
45 (No opposing votes)  
46  
47 CHAIRMAN DEMIENTIEFF: Motion carries.  
48 Part A has been adopted. B.  
49  
50 MR. BREWSTER: Secondly, I now move on to

1 adopt the recommendation of the Southeast Alaska Regional  
2 Advisory Council to put into place an August 1 through 15  
3 closure which would allow only Federally qualified  
4 subsistence users to hunt on Suemez Island during that  
5 period.

6

7 I would like to let you know that I do  
8 not plan on supporting this motion and will describe  
9 after I am followed by a second.

10

11 CHAIRMAN DEMIENTIEFF: Is there a second  
12 to the motion.

13

14 MR. CESAR: I'll second, Mr. Chairman.

15

16 CHAIRMAN DEMIENTIEFF: Okay, thank you.

17

18 MR. BREWSTER: I will be voting against  
19 this motion for the following reasons, and we've heard  
20 that from some of the statements made, in order to close  
21 Suemez Island, one of the criteria from ANILCA, Section  
22 .815(3) must be met, these include a conservation concern  
23 for the wildlife species we're considering or an  
24 impediment for users to continue their subsistence uses,  
25 such as through competition from others.

26

27 I have not seen the evidence that these  
28 exist on Suemez Island, and I'd like to go into a bit  
29 more detail if you'll bear with me.

30

31 Data presented in the analysis in Tables  
32 3 and 4 that you find on Page 76 of the binder, which  
33 shows that there is very little competition from non-  
34 Federally qualified hunters. These data come from hunter  
35 mail out surveys and have some inherent inaccuracies,  
36 especially when measured against household surveys.  
37 However, I do not believe it is useful to look at these  
38 numbers.

39

40 During the period 2000 to 2003, for the  
41 entire season, 30 of 150 hunters were non-Federally  
42 qualified and 28 of 156 deer were harvested by non-  
43 Federally qualified. The non-Federally qualified take  
44 was very inconsistent from year to year. In one year,  
45 2001 no non-Federally qualified hunters harvested deer.  
46 The only consistent use from year to year and by far the  
47 majority of the harvest was from Craig hunters. Because  
48 of undercounting of local uses, it is likely that an  
49 accurate account would show that a greater percentage of  
50 hunters were Federally qualified subsistence users and a

1 greater percentage of deer harvested were taken by  
2 Federally qualified subsistence users.

3  
4 I think that these numbers and errors  
5 would favor more hunting by Federally qualified  
6 subsistence users indicate that there is very little  
7 competition during the entire hunting season, and likely  
8 little competition during the period of August 1 through  
9 15.

10  
11 Another point, no testimony was provided  
12 at Southeast Regional Advisory Council meetings, either  
13 from the public or Council members indicating that  
14 Federally qualified subsistence users were unable to  
15 continue their subsistence use as a result of competition  
16 with other users.

17  
18 I'd also like to note that Federally  
19 qualified subsistence users have a one week head start  
20 for hunting in all of Unit 2 over non-Federally qualified  
21 hunters hunting under State regulations from July 24th to  
22 August 1 and, therefore, does provide a preference for  
23 Federally qualified subsistence users.

24  
25 And lastly, after looking at all of these  
26 factors, because a closure would be inconsistent with  
27 ANILCA, Section .815(3), I believe that the closure is  
28 not supported by substantial evidence and cannot be  
29 supported.

30  
31 CHAIRMAN DEMIENTIEFF: Thank you.  
32 Further discussion on the motion.

33  
34 Dolly.

35  
36 DR. GARZA: Thank you, Mr. Chair. I  
37 guess I would like to counter that statement. This whole  
38 process began in 2003 when Hyda Cooperative submitted the  
39 proposal for a 10 day closure. t that time ample  
40 evidence was provided through testimony and data that  
41 Prince of Wales and U2 residents did not have their needs  
42 met. This is still part of that 2003 process in terms of  
43 fine-tuning what needs to be done in order to make sure  
44 that U2 residents have their needs met as well as  
45 ensuring that we provide some opportunity to Ketchikan  
46 residents, who, from my understanding are quite happy  
47 with the southeast portion of Prince of Wales.

48  
49 So in terms of data, I think that we have  
50 already established through that 2003 meeting and, again,

1 in the 2004 meeting that there are needs that are not  
2 being met by Prince of Wales and Unit 2 residents. And  
3 so I would rely on that information from that meeting as  
4 a basis for the decision that you've made at that  
5 meeting, at the 2004 meeting, that that data and basis  
6 should be used as well for this meeting.

7

8 MR. EDWARDS: Mr. Chairman.

9

10 CHAIRMAN DEMIENTIEFF: Yes, Gary.

11

12 MR. EDWARDS: I have a question of Dolly.

13 Given the small amount of harvest by non-Federally  
14 recognized subsistence users on the island, how would  
15 closing of that to those folks contribute towards folks  
16 needs being met?

17

18 CHAIRMAN DEMIENTIEFF: Go ahead.

19

20 DR. GARZA: Thank you, Mr. Chair. If you  
21 look at the map on Page -- on Map D or any of those maps,  
22 you can see that Suemez is fairly close to Craig, it's  
23 not a long run and it's a fairly protective run. If you  
24 have southeast wind that's an easy place to get to, so it  
25 is important to Craig people. If you look at that island  
26 relative to the size of say, Dall Island, the next island  
27 down, it's not large, it doesn't take too many boats on  
28 that island before you have enough competition that  
29 you're not going to have a good hunt. If you look at the  
30 harvest levels, the majority of the harvest is taken by  
31 Craig people, and they would like to see that opportunity  
32 protected.

33

34 Thank you.

35

36 CHAIRMAN DEMIENTIEFF: Go ahead, Wayne,  
37 you had a comment.

38

39 MR. REGELIN: Yes, sir. You know, I  
40 think that many times ANILCA is not that clear, but in  
41 this case they provide the law -- the Federal law  
42 provides very clear standards that have to be met before  
43 an area can be closed, and I see absolutely no indication  
44 that either standard has been met.

45

46 There's no conservation concern. We're  
47 harvesting lots of deer, people are getting them, and,  
48 you know, closing this land is not necessary to continue  
49 the subsistence use of the deer population and in doing  
50 so would provide very little benefit to the Federally

1 qualified subsistence users. Just having a few people  
2 that might want to come and hunt with relatives that live  
3 in Ketchikan or other towns, there's really no basis for  
4 preventing that right now.

5  
6 And so I just urge you not to close areas  
7 when there's no evidence that it's necessary under the  
8 two standards that the law provides because the deer  
9 population there is able to support the harvest.

10  
11 Thank you.

12  
13 CHAIRMAN DEMIENTIEFF: Any other  
14 discussion.

15  
16 (No comments)

17  
18 CHAIRMAN DEMIENTIEFF: If there's no  
19 further discussion then I guess we're prepared to vote on  
20 Item B.

21  
22 All those in favor of the -- the motion  
23 is to adopt, right, okay.

24  
25 MR. BREWSTER: I'll read the motion.....

26  
27 CHAIRMAN DEMIENTIEFF: Yeah.

28  
29 MR. BREWSTER: .....because I went on  
30 quite a bit there in terms of my reasons for it.

31  
32 The motion would be not to adopt the  
33 recommendation for closure on Suemez Island -- I'm sorry,  
34 the motion is to adopt the recommendation of the  
35 Southeast Alaska Regional Advisory Council to put in  
36 place an August 1 through 15 closure which would only  
37 allow Federally qualified subsistence users to hunt on  
38 Suemez Island during that time period.

39  
40 That is -- Steve, I need your help here  
41 because we're not -- is that correct?

42  
43 MR. KESSLER: No, that's right, that's  
44 it.

45  
46 MR. BREWSTER: Thank you, Mr. Chair, for  
47 bering with me here with this complicated set of  
48 proposals.

49  
50 I'm voting against my motion as I stated

1 in my original statement.  
2  
3 CHAIRMAN DEMIENTIEFF: Anyway, so a vote  
4 for basically adopts the Regional Council recommendation  
5 and a vote against for reasons that were presented  
6 consistent with our policies, we're going against a  
7 Regional Council recommendation, we'll simply go against  
8 the recommendation and we'll move on to Item C.  
9  
10 So having said that.....  
11  
12 MR. EDWARDS: All right, then Mr.  
13 Chairman, then.....  
14  
15 CHAIRMAN DEMIENTIEFF: Gary.  
16  
17 MR. EDWARDS: .....a vote against would  
18 mean we go back to the status quo, which would mean that  
19 it would not be -- it would be open to all users?  
20  
21 CHAIRMAN DEMIENTIEFF: Yes. Any further  
22 discussion.  
23  
24 (No comments)  
25  
26 CHAIRMAN DEMIENTIEFF: Hearing none, all  
27 those in favor of the motion please signify by saying  
28 aye.  
29  
30 Aye.  
31  
32 CHAIRMAN DEMIENTIEFF: Those opposed,  
33 same sign.  
34  
35 IN UNISON: Aye.  
36  
37 CHAIRMAN DEMIENTIEFF: Item C.  
38  
39 MR. BREWSTER: Thank you, Mr. Chair.  
40 I'll try this again.  
41  
42 For Item C, I now move to adopt the  
43 recommendation of the Southeast Alaska Regional Advisory  
44 Council to put into place an August 1 through 15 closure,  
45 which would allow only Federally qualified subsistence  
46 users to hunt on the Southwestern Islands in Unit 2  
47 except for Suemez and Long Islands during that time  
48 period.  
49  
50 Again, I do not plan on supporting this

1 motion, and will briefly describe why following a second.  
2  
3 CHAIRMAN DEMIENTIEFF: Is there a second.  
4  
5 MR. CESAR: I'll second it.  
6  
7 CHAIRMAN DEMIENTIEFF: Moved and  
8 seconded. Discussion.  
9  
10 MR. BREWSTER: Mr. Chair. Again,  
11 essentially the same rationale I used in explaining my  
12 opposition to the second part.  
13  
14 I will simply summarize by saying,  
15 looking at all of the factors that were presented to the  
16 Board, a closure would be inconsistent with ANILCA,  
17 Section .815(3) and I believe the closure is not  
18 supported by substantial evidence.  
19  
20 CHAIRMAN DEMIENTIEFF: Thank you.  
21 Further discussion.  
22  
23 (No comments)  
24  
25 CHAIRMAN DEMIENTIEFF: Hearing none, all  
26 those in favor of the motion, please signify by saying  
27 aye.  
28  
29 Aye.  
30  
31 CHAIRMAN DEMIENTIEFF: Those opposed,  
32 same sign.  
33  
34 IN UNISON: Aye.  
35  
36 CHAIRMAN DEMIENTIEFF: Motion fails.  
37 He's confusing me even.  
38  
39 Okay, that completes our action on  
40 Proposal 8. You also have a motion, I understand, with  
41 regard to Proposal 7.  
42  
43 MR. BREWSTER: I move to take no action  
44 on Proposal 7 because all aspects of this proposal are  
45 covered by the deliberation and the voting we just did on  
46 Proposal 8.  
47  
48 MR. CESAR: Second.  
49  
50 CHAIRMAN DEMIENTIEFF: It's been moved



1 and seconded. Discussion on the motion.  
2  
3 (No comments)  
4  
5 CHAIRMAN DEMIENTIEFF: Hearing none, all  
6 those in favor of the motion for no action, please  
7 signify by saying aye.  
8  
9 IN UNISON: Aye.  
10  
11 CHAIRMAN DEMIENTIEFF: Those opposed,  
12 same sign.  
13  
14 (No opposing votes)  
15  
16 CHAIRMAN DEMIENTIEFF: Motion carries.  
17 Okay, where in the heck are we, 9.  
18  
19 Okay, during the lunch break we were  
20 informed by the State that they're dropping their  
21 objection to one of the proposals, which would add it to  
22 the consent agenda so I'll have Tom go ahead and go over  
23 that.  
24  
25 MR. BOYD: Mr. Chair. Very simply, Mr.  
26 Haynes informed me that they now would align with  
27 agreement from the Councils as well as all of the  
28 agencies regarding Proposal 18, which is a C&T proposal  
29 for moose in Unit 6(C) and that is our general criteria  
30 for establishing the consensus agenda, therefore, we  
31 would propose adding Proposal WP06-18 to the consensus  
32 agenda, Mr. Chair.  
33  
34 CHAIRMAN DEMIENTIEFF: Mr. Haynes, I know  
35 you told us during lunchtime, but it'd be good to get  
36 something on the record so that we do have it on the  
37 record.  
38  
39 MR. HAYNES: Thank you, Mr. Chairman.  
40 The Department is taking a position that the Federal  
41 Board should defer action on all C&T proposals until  
42 standards are established and implemented, however, on  
43 some of the C&T proposals we have further commented by  
44 saying if the Board chooses to take action, we either  
45 support or don't support this proposal.  
46  
47 In this case we support the position that  
48 all of the other parties are taking on this proposal,  
49 therefore, our deferral is not going to really affect the  
50 outcome of the anticipated action on this proposal, so

1 we're aligned with the Regional Council and the Staff  
2 Committee even though we say we recommend deferral, we  
3 further pointed out that if the Board does choose to act,  
4 our position is consistent with those of the other key  
5 players here.

6  
7 So it will just save the Board time and  
8 we're satisfied with the Board adding this to the  
9 consensus agenda.

10  
11 CHAIRMAN DEMIENTIEFF: Again, as I  
12 pointed out earlier that we will add Proposal 18 to the  
13 consent agenda, consensus agenda, whatever you want to --  
14 the C&C agenda, but we will add that and, of course, all  
15 Board members have up until the time that we take action  
16 on them at the end of our regulatory meeting to request  
17 them to be withdrawn.

18  
19 So if there's no objection we'll go ahead  
20 and add Proposal 18 to that agenda.

21  
22 (No comments)

23  
24 CHAIRMAN DEMIENTIEFF: Okay, we've got 9  
25 now.

26  
27 MR. BOYD: Yes.

28  
29 CHAIRMAN DEMIENTIEFF: Proposal 9, Staff  
30 analysis.

31  
32 MR. CHESTER: Dennis Chester of the U.S.  
33 Forest Service, for the record. Thank you, Mr. Chairman.  
34 Staff analysis for Proposal 9 begins on Page 89.

35  
36 Proposal 9 was submitted by the Craig  
37 Community Association and it would raise the Unit 2  
38 harvest limit from four to six deer for Federally  
39 qualified subsistence users.

40  
41 The proponents feel that the current four  
42 deer limit is not sufficient to meet their needs. They  
43 also suggest that the increased limit would improve their  
44 efficiency when hunting for others using Federal  
45 designated hunter permits.

46  
47 Much of the background information was  
48 already presented in my previous discussion so I'm going  
49 to skip down to Page 90 and point out a few things in the  
50 harvest history.

1 Federal harvest permit data indicate that  
2 those hunters -- that of those hunters reporting  
3 harvesting deer, approximately eight percent and 19  
4 percent harvested four deer in 2003 and 2004  
5 respectively. The use of Federal designated hunter  
6 permits and State proxy permits to harvest deer to meet  
7 family and community needs seems to be an under utilized  
8 resource. In 2004 of the 146 Federal designated permits,  
9 only 28 were issued to members of communities on Prince  
10 of Wales and in 2003 only 12 of 67 State proxy permits  
11 were issued to hunters with positive Federal customary  
12 and traditional use determinations on Prince of Wales.  
13

14 So the report by Mazza in 2003 looked  
15 Fish and Game statistics and found that overall hunter  
16 effort on Prince of Wales has remained pretty constant  
17 between 1984 and 2001 although it varied between years.  
18 And she also found that the number of hunters coming over  
19 from Ketchikan did not change substantially between '97  
20 and 2001. Thus the available data suggests that while  
21 demand has fluctuated there has been no overall  
22 increasing trend and she felt that this fluctuation may  
23 reflect changes in area community populations and job  
24 opportunities change in the area, especially recent  
25 changes in the timber industry. And she also found that  
26 POW communities constitute about half of the hunters on  
27 the island.  
28

29 Of course there are other qualified  
30 hunters that can use the area from off the island.  
31

32 The effects of this proposal will start  
33 on Page 92.  
34

35 This proposal would allow Federally  
36 qualified subsistence hunters in Unit 2 to harvest up to  
37 six deer and it would provide an opportunity for locally  
38 qualified hunters to harvest more deer to meet their  
39 needs.  
40

41 I kind of did some calculations to try ad  
42 figure out what this meant as far as how much food  
43 they're providing.  
44

45 Prince of Wales communities were surveyed  
46 by the Fish and Game in 1996 through '98 and the data is  
47 in the community profile database and they all used  
48 between 30 and 95 pounds of meat per person per year.  
49 That equates to about .4 to 1.2 deer per person per year.  
50 Of course that's an average. And so I also tried to

1 figure out what the high end users were doing. And the  
2 highest folks were in Kasaan. They use approximately a  
3 half a pound of deer per day or about two and a half deer  
4 per person per year. Four deer equals .88 pounds of deer  
5 meat per person per day based on the Fish and Game  
6 community.

7  
8 This proposal could result in an increase  
9 in deer harvest in Unit 2 and using the harvest rates  
10 available I came up with a rough estimate that this  
11 increase would be on the order of 40 to 100 deer, which  
12 would equate to about a two to five percent increase  
13 using 2003 estimated total harvest.

14  
15 There's some debate concerning whether  
16 the deer population in Unit 2 is declining and, thus,  
17 whether it would be appropriate to increase the harvest  
18 limit.

19  
20 The available data have not been able to  
21 detect a decline in the deer population and Fish and Game  
22 considers the population stable. However, small scale  
23 population distribution changes on traditional hunting  
24 areas could occur undetected by the current methods.

25  
26 Todd Brinkman's summary report, in the  
27 key respondent interviews that I mentioned earlier,  
28 indicates that the hunters are divided as well with 44  
29 percent perceiving a stable trend, 30 percent an increase  
30 and 26 percent perceived a decrease.

31  
32 Harvest in 2002 and 2003 declined rapidly  
33 so that the harvest estimates are currently below Fish  
34 and Game's 2,700 deer harvest objective, and this would  
35 suggest that there is currently a harvestable surplus and  
36 there is not a conservation concern.

37  
38 Thank you.

39  
40 CHAIRMAN DEMIENTIEFF: Thank you, very  
41 much. Written public comments.

42  
43 DR. SCHROEDER: Mr. Chairman. We  
44 received no written public comments for this proposal.

45  
46 CHAIRMAN DEMIENTIEFF: Thank you. We  
47 have no request for additional public testimony on this  
48 matter. Regional Council recommendation.

49  
50 DR. GARZA: Mr. Chairman. The Southeast

1 Regional Advisory Council voted to support an increased  
2 opportunity for harvesting deer on Unit 2.

3  
4 The modifications were to, instead of six  
5 deer, five deer, and included the requirement that they  
6 go into the Forest Service office in order to get a  
7 permit for the last deer. But in reading the Staff  
8 analysis, that may not be necessary, so, in general,  
9 we're supporting the opportunity to take the fifth deer.

10  
11 Thank you.

12  
13 CHAIRMAN DEMIENTIEFF: Thank you. Staff  
14 Committee.

15  
16 MR, PROBASCO: Thank you, Mr. Chair.  
17 Again, the Staff Committee has two recommendations, a  
18 majority and a minority.

19  
20 The InterAgency Staff Committee's in  
21 agreement with two of the three aspects of this  
22 recommendation.

23  
24 All members agree that there's a  
25 rationale for the harvest limit change as  
26 requested by the Council.

27  
28 All members also agree that a special  
29 permit for the harvest of the fifth deer  
30 as proposed by the Regional Advisory  
31 Council is not necessary.

32  
33 However, members of the InterAgency Staff  
34 Committee disagreed on whether the Forest  
35 Supervisor should be delegated authority  
36 to reduce the harvest limit from five  
37 deer to four deer.

38  
39 The majority feels that the deer  
40 population are currently stable and  
41 harvest is apparently on a decreasing  
42 trend, however it's anticipated that deer  
43 available for harvest are likely to  
44 diminish in future years as more and more  
45 habitat becomes unavailable or of  
46 diminished quality.

47  
48 And the recommendation to give the Forest  
49 Service authority to reduce the harvest  
50 to four deer from five deer based only --

1 or based on conservation concerns, is  
2 meant to give flexibility to the manager  
3 to reduce potential harvest if there are  
4 immediate conservation concerns.  
5

6 Minority recommendations assigning the  
7 local manager the responsibility of  
8 reducing the harvest limit from five to  
9 four deer is unfair to both subsistence  
10 users and to the manager. It is unfair  
11 to subsistence users because major  
12 changes in the harvest limit such as a 20  
13 percent reduction should be granted a  
14 full public review before being  
15 implemented.  
16

17 Thank you, Mr. Chair.  
18

19 CHAIRMAN DEMIENTIEFF: Thank you.  
20 Department comments.  
21

22 MR. HAYNES: Mr. Chairman. The  
23 Department recommends the Board not adopt this proposal.  
24 We do not support raising the harvest limit in Unit 2  
25 from four to six deer as the proposal requests, or from  
26 four to five deer as recommended by the InterAgency Staff  
27 Committee.  
28

29 Based on information presented to the  
30 Unit 2 Deer Planning Subcommittee, the group agreed that  
31 no major changes should be made to the Unit 2 deer  
32 hunting regulations at this time especially given the  
33 steps that are being taken to record additional  
34 information about deer populations, harvests and human  
35 needs.  
36

37 And we're struck by -- referring to the  
38 previous Staff analysis, the table on Page 60 showing  
39 that the harvest limit for deer in Unit 2 has never been  
40 above four so this would be, in our judgment, a  
41 significant change.  
42

43 In the absence of data, which indicates  
44 that the deer population is growing in Unit 2, we firmly  
45 believe that increasing the harvest limit is  
46 inappropriate at this time. As was noted in the Staff  
47 analysis, Unit 2 deer numbers are expected to decline in  
48 the future, given the extensive timber harvesting that  
49 has occurred on Prince of Wales and adjacent islands.  
50 And the resulting low quality deer habitat that is

1 associated with second growth low canopy forest. The  
2 Staff analysis for Proposals 07 and 08 affirms our  
3 concern by pointing out that old growth forest habitat is  
4 declining and may be the most limiting factor for deer  
5 populations in Southeast Alaska.

6  
7 The Department recommends that  
8 individuals wanting to take deer in excess of the current  
9 harvest limit for use by others, make use of the Federal  
10 designated hunter or State proxy permits that are  
11 available to hunters who want to harvest additional deer.

12  
13 CHAIRMAN DEMIENTIEFF: Thank you. Board  
14 discussion.

15  
16 MR. EDWARDS: Mr. Chairman. I have a  
17 question for the State.

18  
19 CHAIRMAN DEMIENTIEFF: Gary.

20  
21 MR. EDWARDS: I thought in your testimony  
22 that you had indicated that under our planning process  
23 and the document just produced, it did not suggest an  
24 increase in harvest but as I read it it does talk about  
25 providing the opportunity for Federally qualified hunters  
26 to harvest a fifth deer in Unit 2 by Federal permit under  
27 special conditions.

28  
29 So it did appear that it did recognize  
30 the potential for doing that and suggested that that  
31 occur, which seems to be contradictory to what your  
32 statement said, that basically they recommended the  
33 status quo in harvest.

34  
35 MR. HAYNES: Mr. Chairman. I don't  
36 believe I said that. I believe what I said, my testimony  
37 was that the group agreed that no major changes should be  
38 made to the Unit 2 deer regulations.

39  
40 MR. EDWARDS: That's true. But if you go  
41 on to read what's in their document, it does say --  
42 you're right it says no major changes, but then it talks  
43 about minor adjustments and one of those adjustments they  
44 recommend is the increase to five under a Federal permit.

45  
46 MR. HAYNES: Mr. Chairman. I didn't  
47 suggest that that information was not in the report at  
48 all. We believe that that can be accommodated through  
49 existing tools that are in the Federal and State systems.  
50 If people want to harvest deer above and beyond the

1 current harvest limit, there are tools available to allow  
2 that to happen without increasing the harvest limit.

3

4 MR. EDWARDS: Now, you've really got me  
5 confused. You said there are tools that would allow that  
6 but it wouldn't increase the harvest. If you use those  
7 tools it would seem to me that it would increase the  
8 harvest.

9

10 MR. HAYNES: There are mechanisms, the  
11 Federal designated hunter and the State proxy permits are  
12 used by some hunters, not very many apparently in  
13 Southeast for this deer hunt, but that allows people who  
14 want to harvest additional deer a mechanism for doing  
15 that under the existing harvest limits.

16

17 CHAIRMAN DEMIENTIEFF: Further  
18 discussion. Dolly, you have something.

19

20 DR. GARZA: Thank you, Mr. Chair. And we  
21 continue to support the five deer limit. But I think if  
22 you're talking about proxy hunting or designated hunting,  
23 the purpose of those programs are to go and get a deer  
24 for somebody else who needs deer, not to put additional  
25 deer on your own table. And so I don't really see that  
26 as an adequate mechanism. It may allow someone to take  
27 another deer, but the purpose of it is to provide it for  
28 the single mother, the elderly, the uncle, the somebody  
29 who can't otherwise go and get it. So that would be an  
30 incorrect mechanism to use.

31

32 CHAIRMAN DEMIENTIEFF: Further  
33 discussion.

34

35 MR. BREWSTER: Mr. Chairman.

36

37 CHAIRMAN DEMIENTIEFF: Yes.

38

39 MR. OVIATT: I'm struggling a little bit  
40 with this because if, and I believe I've heard testimony  
41 state that the trend may be for the population to go down  
42 because of habitat, I'm struggling a little bit with why  
43 would we increase the harvest at this time and maybe two  
44 or three years from now be at this Board decreasing it.

45

46 Is that the trend that I heard from --  
47 can somebody answer that?

48

49 CHAIRMAN DEMIENTIEFF: Pete.

50



1 MR. PROBASCO: Mr. Chair. The Staff  
2 Committee in analyzing the data found that Unit 2 deer  
3 populations are currently stable and harvest is  
4 apparently decreasing -- the harvest is apparently on a  
5 decreasing trend, however, it is anticipated that deer  
6 available for harvest are likely to diminish in future  
7 years based on habitat.  
8  
9 Mr. Chair. But right now it's stable.  
10  
11 CHAIRMAN DEMIENTIEFF: Further  
12 discussion.  
13  
14 (No comments)  
15  
16 CHAIRMAN DEMIENTIEFF: Is somebody  
17 prepared to offer a motion. Go ahead.  
18  
19 MR. BREWSTER: Mr. Chair. I'd like to  
20 move to adopt the recommendation of the Southeast  
21 Regional Advisory Council which is to adopt the proposal  
22 with the modifications as shown on Page 85 of our Board  
23 book. But following a second, I do plan to provide a  
24 couple of amendments.  
25  
26 CHAIRMAN DEMIENTIEFF: Thank you. Is  
27 there a second to the motion.  
28  
29 MS. GOTTLIEB: I'll second.  
30  
31 CHAIRMAN DEMIENTIEFF: Go ahead.  
32  
33 MR. BREWSTER: Mr. Chair. I move to  
34 amend my motion, I move to eliminate the need for a  
35 Federal permit allowing the harvest of a fifth deer as  
36 proposed by the Southeast Regional Advisory Council.  
37 Following a second, once again I will provide the  
38 rationale for my amendment.  
39  
40 CHAIRMAN DEMIENTIEFF: Is there a second  
41 to the amending motion.  
42  
43 MR. CESAR: I'll second it.  
44  
45 CHAIRMAN DEMIENTIEFF: It's been moved  
46 and seconded, go ahead.  
47  
48 MR. BREWSTER: My rationale is as  
49 follows. I do not believe there is a reason to require  
50 additional administrative bureaucracy associated with the

1 Council's recommendation that a specific Federal permit  
2 be used for the fifth deer and that a subsistence  
3 harvester must show his or her used or validated fourth  
4 deer tag prior to receiving the fifth deer Federal  
5 permit.  
6

7 Secondly, the current mandatory harvest  
8 reporting system can be used to document the harvest of a  
9 fifth deer with modification.  
10

11 And, lastly, requiring a subsistence  
12 harvester to present themselves at a Forest Service office  
13 prior to receiving the fifth deer authorization would be  
14 detrimental to the satisfaction of subsistence needs and  
15 would be administratively burdensome for the Federal  
16 manager.  
17

18 CHAIRMAN DEMIENTIEFF: Further discussion  
19 on the amendment.  
20

21 MS. GOTTLIEB: Mr. Chair.  
22

23 CHAIRMAN DEMIENTIEFF: Yes.  
24

25 MS. GOTTLIEB: So I guess just to confirm  
26 with the Forest Service then, you feel that you will be  
27 able to monitor the harvest adequately without having a  
28 special provision for that fifth deer?  
29

30 MR. BREWSTER: That's correct.  
31

32 MS. GOTTLIEB: Thank you.  
33

34 CHAIRMAN DEMIENTIEFF: Further discussion  
35 on the amendment.  
36

37 MR. EDWARDS: Mr. Chairman. I guess I'm  
38 inclined to try to support the recommendations in this  
39 report that we all diligently worked together on to come  
40 out with and spent a lot of money and gave a lot of  
41 applause. I guess I'm a little unclear, based upon what  
42 they're recommending, which of these proposals line up  
43 with the recommendation of the report, and maybe somebody  
44 could help out there. Particularly the language that  
45 says provide the opportunity for Federally qualified  
46 hunters to harvest a fifth deer in Unit 2 by Federal  
47 permit under special conditions. So I think what you  
48 just moved eliminates the Federal permit portion, right?  
49

50 MR. BREWSTER: What I'm moving is to

1 remove the need for the hunter to come back in to get a  
2 permit for the fifth deer.  
3  
4 MR. EDWARDS: And they have to have a  
5 permit for any of the deer, right, so I guess that part's  
6 still in there, if somebody could just help me out and  
7 tell me which motion most aligns with the recommendation  
8 in the report. Somebody that's smarter than me.  
9  
10 (No comments)  
11  
12 MR. EDWARDS: Nobody's raising their  
13 hand, must mean nobody's smarter than me here, I guess.  
14  
15 (Laughter)  
16  
17 CHAIRMAN DEMIENTIEFF: Dolly.  
18  
19 DR. GARZA: Thank you, Mr. Chairman.  
20 I'll jump right in. Yeah, that recommendation is on Page  
21 20 of the Unit 2, but also the intent of the motion was  
22 to increase the opportunity for deer and in trying to  
23 address somebody else's concerns, the population on  
24 Prince of Wales is shrinking, the economic opportunities  
25 are shrinking and the need is increasing and that's the  
26 basis for the proposal.  
27  
28 The requirement for the permitting was  
29 the amendment by Mr. Douville from Craig to do that was  
30 just to, whatever kind of language would make it easier  
31 for you guys to support, that's what we were adding, if  
32 we can get that fifth deer without that type of permit  
33 requirement we'll be happier.  
34  
35 CHAIRMAN DEMIENTIEFF: Further  
36 discussion.  
37  
38 (No comments)  
39  
40 CHAIRMAN DEMIENTIEFF: No other  
41 discussion on the amendment, all those in favor, please  
42 signify by saying aye.  
43  
44 IN UNISON: Aye.  
45  
46 CHAIRMAN DEMIENTIEFF: Those opposed.  
47  
48 (No opposing votes)  
49  
50 CHAIRMAN DEMIENTIEFF: That amendment

1 carries. You have one more.  
2  
3 MR. BREWSTER: I do, Mr. Chair, I have a  
4 second amendment. I move to add the following language:  
5  
6 The Forest Supervisor is authorized to  
7 reduce the harvest to four deer based on  
8 conservation concerns in consultation  
9 with the Alaska Department of Fish and  
10 Game and the Chair of the Southeast  
11 Alaska Subsistence Regional Advisory  
12 Council.  
13  
14 Once again following a second, I will  
15 give my rationale for that amendment.  
16  
17 MR. CESAR; Second it.  
18  
19 CHAIRMAN DEMIENTIEFF: It's been moved  
20 and seconded. We already have that capability, don't we,  
21 that if we are in trouble, biologically, we can do that  
22 in-season without a Board action, is that not correct?  
23  
24 MR. BOYD: Mr. Chair, that's not correct.  
25  
26 CHAIRMAN DEMIENTIEFF: Oh, okay.  
27  
28 MR. BOYD: Currently that delegation has  
29 not been made to the Forest Supervisor.  
30  
31 CHAIRMAN DEMIENTIEFF: Okay.  
32  
33 MR. BREWSTER: Mr. Chair. My rationale  
34 for my amendment is as follows:  
35  
36 Unit 2 deer populations are currently  
37 stable and harvest is apparently on a  
38 decreasing trend, however, it is  
39 anticipated that deer available for  
40 harvest are likely to diminish in future  
41 years as more and more habitat becomes  
42 unavailable or of diminished quality.  
43  
44 This will likely be exacerbated by a  
45 severe snow winter.  
46  
47 Second, the recommendation to give the  
48 Forest Supervisor authority to reduce the  
49 harvest to four deer from five is based  
50 on conservation concerns is meant to give

1 flexibility to the manager to reduce  
2 potential harvest if there are immediate  
3 conservation concerns which cannot easily  
4 be dealt with using the formal rule-  
5 making process. Most likely this would  
6 result from a substantial herd die-off  
7 following a severe winter.

8  
9 Third, the hunting season for Unit 2  
10 extends almost six months, from July 24th  
11 to December 31st, because of the long  
12 season an emergency special action which  
13 is in effect only 60 days would not be an  
14 appropriate action unless there were  
15 notice and public hearing and a Board  
16 temporary action would also require  
17 notice and public hearing as described in  
18 Section 19 of our regulations.

19  
20 Fourth, the purpose of this authorization  
21 would be to give the Forest Supervisor  
22 flexibility for quick action that would  
23 not require notice and public hearing.

24  
25 Lastly, this proposed amendment has not  
26 been presented to the Southeast Regional  
27 Advisory Council, however, I would  
28 anticipate that they would not be  
29 concerned about providing this local  
30 control to the manager based on similar  
31 language already in regulation. I do not  
32 believe that this language would be  
33 detrimental to subsistence users and it  
34 would result in less likelihood of a  
35 future conservation concern.

36  
37 CHAIRMAN DEMIENTIEFF: Thank you. Dolly.

38  
39 DR. GARZA: First, was that amendment,  
40 that was seconded?

41  
42 CHAIRMAN DEMIENTIEFF: Right, yes.

43  
44 DR. GARZA: Mr. Chairman. This certainly  
45 has not gone before the Southeast Regional Advisory  
46 Council but I would adamantly oppose it for several  
47 reasons.

48  
49 One, if there is a conservation concern,  
50 the conservation concern should be met by nonrural

1 residents first, rather than rural residents.  
2  
3 Secondly, I'm not sure if your amendment  
4 would be for one season or if that would be permanent, so  
5 that would have to be clarified. If it were for one  
6 season it may be more acceptable, but if you can simply  
7 reduce it and that's it, forever, then there may be  
8 greater issue.  
9  
10 Thank you.  
11  
12 CHAIRMAN DEMIENTIEFF: Do you have a  
13 response for her question?  
14  
15 MR. BREWSTER: I -- I -- Steve. I  
16 believe the thought it would have to be redone from  
17 season to season.  
18  
19 CHAIRMAN DEMIENTIEFF: Okay, any other  
20 discussion on the amendment.  
21  
22 MS. GOTTLIEB: Mr. Chair.  
23  
24 CHAIRMAN DEMIENTIEFF: Yes.  
25  
26 MS. GOTTLIEB: Well, I'm not sure if we  
27 need further clarification but I mean the Board has  
28 authority to close, if there were a reason to have a  
29 closure, all our regs are annual regulations, and this is  
30 simply a delegation for the one year to a more local  
31 manager which is something that we often do.  
32  
33 CHAIRMAN DEMIENTIEFF: All right, any  
34 other discussion.  
35  
36 (No comments)  
37  
38 CHAIRMAN DEMIENTIEFF: Hearing none, all  
39 those in favor of the amendment, please signify by saying  
40 aye.  
41  
42 IN UNISON: Aye.  
43  
44 CHAIRMAN DEMIENTIEFF: Those opposed,  
45 same sign.  
46  
47 (No opposing votes)  
48  
49 CHAIRMAN DEMIENTIEFF: That amendment  
50 carries. We now have the -- you have no further

1 amendments, right?

2

3 MR. BREWSTER: Right.

4

5 CHAIRMAN DEMIENTIEFF: We now have the  
6 main motion before us as amended. Wayne.

7

8 MR. REGELIN: Thank you, Mr. Chair. I  
9 didn't want to speak on the amendments because I didn't  
10 really have a strong opinion one way or the other, but I  
11 do have reservations about expanding a season when the  
12 population is not growing or it's stable, at best, we  
13 know that in the future it's going to go down, it's just  
14 kind of a fact of life as we go through the successional  
15 stages. And I really always argue that we should have  
16 higher harvests and don't leave things out there -- if we  
17 can take more, we should -- in this case I'm not -- I  
18 don't think that we should, I think that we're -- four  
19 deer is what we -- we've never had more than a bag limit  
20 of four in this area since statehood, I don't think that  
21 it's necessary to meet -- that that many people take more  
22 than four -- or more than three or four, just seems like  
23 something that's premature at this time. And what I  
24 would hate to see is that we raise it to five, we come  
25 back in two years and say we've got to reduce the harvest  
26 back to four, but we can't do that until we remove  
27 everybody but Federally qualified subsistence users, that  
28 to me is just unfair.

29

30 So I would leave it where it is right now  
31 because I don't want to have the five become a standard  
32 that we have to meet in the future in order to allow non-  
33 Federally qualified subsistence people to use this  
34 population.

35

36 Thank you.

37

38 CHAIRMAN DEMIENTIEFF: Further discussion  
39 on the motion as amended.

40

41 MR. BREWSTER: I have a question, Mr.  
42 Chairman.

43

44 CHAIRMAN DEMIENTIEFF: Go ahead.

45

46 MR. BREWSTER: Wayne, I would ask if the  
47 current harvest goal is 2,700 and that is not currently  
48 being met, how would you propose that we do come closer  
49 to that?

50

1 MR. REGELIN: I guess that I think that  
2 we should err on the side of caution in this case because  
3 we know that the habitat is on the -- is starting to  
4 decline or already has -- or it will very soon, it  
5 probably has. I think there's probably a reason we're  
6 seeing a decline. It's very difficult to track the deer  
7 population. You have indicators of trend, but we don't  
8 have population estimates. So I think that we need to  
9 always, with deer, be careful with the population, that  
10 if it's growing fast and, you know, exploding, we call it  
11 because of good habitat concerns then we should always  
12 increase and harvest that surplus, but in this case I'm  
13 not sure we have a surplus that we want to harvest.

14

15 I just would be a little careful there.

16

17 Thanks.

18

19 CHAIRMAN DEMIENTIEFF: Any further  
20 discussion on the proposal as amended.

21

22 MS. GOTTLIEB: Mr. Chair.

23

24 CHAIRMAN DEMIENTIEFF: Yes.

25

26 MS. GOTTLIEB: I guess maybe two  
27 questions for Forest Service. I thought somewhere in the  
28 analysis I thought I heard an estimate of how many might  
29 be taken if a fifth allowance was given, and secondly  
30 maybe you can describe how the Supervisor would monitor  
31 the harvest and make a decision on closure or not?

32

33 CHAIRMAN DEMIENTIEFF: Go ahead.

34

35 MR. CHESTER: Yes, my estimate for the  
36 number of additional deer that would be harvested with  
37 the fifth deer, or actually under the sixth deer was  
38 approximately 40 to 100 deer, the latest data for the  
39 harvest estimate was 2003 and approximately 1,700 deer  
40 were harvested, so that would still leave it pretty well  
41 below the 2,700.

42

43 As far as how the Forest Supervisor would  
44 monitor, there really wouldn't be any in-season  
45 monitoring from that standpoint. In other words, the  
46 harvest reporting mostly comes at the end of the season,  
47 so it would be more of a, if we see a major winter die-  
48 off or something like that, would be one of the primary  
49 kickers it says something needs to happen.

50



1 MS. GOTTLIEB: Thank you.  
2  
3 MR. EDWARDS: Mr. Chairman.  
4  
5 CHAIRMAN DEMIENTIEFF: Gary.  
6  
7 MR. EDWARDS: Wayne, maybe I'd ask you a  
8 question, I mean, and I don't necessarily disagree with  
9 anything you said but it does seem to me that, you know,  
10 if we got declining habitat which ultimately will lead to  
11 declining populations, that we really can't stockpile  
12 these 150 additional deer that we take so in the long  
13 run, is it really going to matter?  
14  
15 MR. REGELIN: I guess that if we start  
16 having a declining population that it really does.  
17 Probably because we're only -- I believe the season is no  
18 female are allowed in this -- one antlerless deer, and if  
19 we have declining populations, the normal thing you do is  
20 you stop reducing -- or stop harvesting the female  
21 segment of the population and then you reduce the bag  
22 limit if you need to, and I guess that I'm not at the  
23 point where I would suggest that we need to eliminate the  
24 female segment of the population, but I think that to  
25 expand the bag limit to higher than it has ever  
26 historically been since statehood or since 1925 is --  
27 when we know that it is not a growing population is not  
28 good biology.  
29  
30 CHAIRMAN DEMIENTIEFF: Further  
31 discussion.  
32  
33 (No comments)  
34  
35 CHAIRMAN DEMIENTIEFF: Hearing none, all  
36 those in favor of the main motion as amendment, please  
37 signify by saying aye.  
38  
39 IN UNISON: Aye.  
40  
41 CHAIRMAN DEMIENTIEFF: Those opposed,  
42 same sign.  
43  
44 (No opposing votes)  
45  
46 CHAIRMAN DEMIENTIEFF: Motion carries.  
47 Thank you very much for your help on the Southeast  
48 proposals, we now move to Southcentral.  
49  
50 (Pause)

1 CHAIRMAN DEMIENTIEFF: And maybe while  
2 they're shifting gears and getting set up we'll just go  
3 ahead and take a short break right now.  
4  
5 (Off record)  
6  
7 (On record)  
8  
9 CHAIRMAN DEMIENTIEFF: I think it's an  
10 aging thing, I think I'm starting to enjoy the breaks  
11 more and more as we take them.  
12  
13 (Laughter)  
14  
15 CHAIRMAN DEMIENTIEFF: Before, during the  
16 early part of my tenure on the Board I was kind of a  
17 crack the whip kind of a guy but now I don't mind  
18 standing around and socializing, it's part of the fun.  
19  
20 Okay, with that we're going to move on to  
21 Southcentral. We have Proposal 16.  
22  
23 MR. ARDIZZONE: Good afternoon, Mr.  
24 Chair. Board members. My name is Chuck Ardizzone.  
25 Proposal 16 and 17 are a combined analysis, they address  
26 the same area.  
27  
28 Proposal 16 was submitted by Andrew  
29 McLaughlin from Chenega Bay and requests that the antler  
30 restriction for Unit 7, that portion draining into Kings  
31 Bay, be eliminated and the harvest of either sex moose be  
32 allowed. The proposal also requests that the harvest  
33 season be changed from 10 August through September 20  
34 to August 10th to February 28th.  
35  
36 Proposal WP06-17 was submitted by Alaska  
37 Department of Fish and Game and requests that the Federal  
38 public lands closure for Unit 7, that portion draining  
39 into Kings Bay, be eliminated.  
40  
41 The proponent for WP06-16 believes the  
42 regulation should be changed because the customary and  
43 traditional use of the moose harvest from the Kings Bay  
44 drainages has never been limited by antler restrictions.  
45 The proponent states they have never been confined to  
46 harvest dates before September 20th, primarily because  
47 that time of year in the early part of the season the  
48 moose are rarely, if at all, harvestable as snow has not  
49 yet pushed them down from their upper elevations.  
50

1                   The proponent for WP06-17, Alaska  
2 Department of Fish and Game, believes the regulation  
3 should be changed because, according to information  
4 presented in the Office of Subsistence Management Federal  
5 Wildlife Closure Review 05-03, few moose have been  
6 harvested by Federally-qualified subsistence users in  
7 this area since the closure was implemented affecting  
8 other users. Removing the closure would provide limited  
9 opportunity for other hunters to utilize the area for  
10 moose hunting.

11  
12                   The amount of moose habitat in the Kings  
13 Bay area is very small, and consists of narrow riparian  
14 areas along Kings River and Nellie Juan River.

15  
16                   The entire drainages of Nellie Juan River  
17 and Kings River were flown in March 2001 by ADF&G, from  
18 Nellie Juan Lake downstream to the head of Kings Bay and  
19 up Kings River to the glacier country. Nine moose were  
20 counted during the survey in conditions characterized as  
21 being excellent for aerial counting.

22  
23                   The small area of moose habitat in Kings  
24 Bay is isolated, with only one accessible route for moose  
25 to enter the area across the mountains from Paradise  
26 Lakes or Nellie Juan Lake areas, and then down the Nellie  
27 Juan River. Interchange of moose with other areas is  
28 therefore likely minimal.

29  
30                   Based on harvest records, no moose were  
31 legally harvested from this area since the Federal  
32 subsistence management regulations established this hunt  
33 in 1997.

34  
35                   Some current events involving this area,  
36 a moose index survey was flown on March 27th, 2006, this  
37 data was not available to the Council at their last  
38 meeting. The survey was funded by the USDA Forest  
39 Service and conducted by ADF&G personnel. The conditions  
40 were generally good for counting. Extra time was spent  
41 following moose to try to obtain a better observation of  
42 the total moose numbers. The total of five moose were  
43 observed, four were cows and one was a bull. No calves  
44 were observed in the area. Most of the tracks observed  
45 were within a half mile of the shoreline.

46  
47                   The surveyors believe that this is not  
48 the total number of moose in this heavily timbered steep  
49 country but they were not sure how many moose were  
50 missed, but they estimated it could be as high as 20 to

1 25 percent -- or excuse me, 25 to 50 percent -- even if  
2 it was 50 percent that would only give us 10 moose in the  
3 area.

4  
5 The surveyors were relatively certain  
6 that there's a limited number of moose in the area during  
7 this late winter period. The number of moose in this  
8 area in the fall will be hard to predict from this late  
9 spring survey. Moose may transition out of the area  
10 before a heavy winter snowfall.

11  
12 A moose survey is planned for late  
13 October to November 2006 to survey the fall population.  
14 This will better estimate the number of moose available  
15 for a fall to winter hunt and allow for the gathering of  
16 demographics on the herd.

17  
18 If Proposal 05-16 were adopted, it would  
19 lengthen the harvest season by 161 days and would allow  
20 the take of any moose. Extending the season may have  
21 detrimental affects on the moose population. Although  
22 the harvest limit would not change, the longer season  
23 could allow moose to be harvested more easily when they  
24 move near the coastline during the winter. Currently, no  
25 moose harvests have been reported. If the season is  
26 extended and both villages harvest a moose, this could  
27 lead to over harvest of this small herd.

28  
29 Allowing the possibility of cow harvest  
30 in such a small population could also have detrimental  
31 effects on the health of the moose population. Cows are  
32 important to maintain the herd. If a pregnant cow is  
33 taken, it will reduce the recruitment of new moose into  
34 the population and thus have a negative impacts on the  
35 small herd.

36  
37 If Proposal WP06-17 were adopted it would  
38 not change the harvest season or limits for Chenega Bay  
39 and Tatitlek, but would remove the closure to  
40 non-Federally qualified subsistence users which may lead  
41 to competition.

42  
43 Removing the closure would provide the  
44 possibility of additional harvest, which could jeopardize  
45 the conservation of this small herd.

46  
47 That concludes my briefing. However,  
48 there has been some new information that we just recently  
49 found out about poaching in the area and there is law  
50 enforcement from the Forest Service here that is ready to

1 give a quick briefing on that information if the Board  
2 sees fit.

3  
4 CHAIRMAN DEMIENTIEFF: And who would do  
5 that?

6  
7 MR. ARDIZZONE: Mr. Chair. That would be  
8 Jeff Bryant [sic] from law enforcement from Forest  
9 Service.

10  
11 CHAIRMAN DEMIENTIEFF: Let's go ahead and  
12 do that while we've got the Staff analysis in front of  
13 us.

14  
15 MR. BRIDEN: Mr. Chairman. My name is  
16 Jeffery Briden, I'm the lead law enforcement officer for  
17 the Chugach National Forest. Information I just was  
18 going to provide you, there was one bull moose taken in  
19 the Nellie Juan area this fall. Two hunters were in  
20 there on this particular area, the moose was a sublegal  
21 moose, the individual was cited under State regulations  
22 and charged in State court for taking a moose so there  
23 was at least one kill in there this year.

24  
25 I also have information of at least one  
26 other hunter that was up in that area. None of these  
27 hunters will show up on the Federal information because  
28 they weren't qualified to be in there and they went under  
29 State rules, thinking they were legally able to hunt in  
30 there even though they weren't legally allowed to be  
31 hunting on the State lands in that area.

32  
33 CHAIRMAN DEMIENTIEFF: Thank you. It  
34 wasn't me.

35  
36 (Laughter)

37  
38 CHAIRMAN DEMIENTIEFF: Okay, written  
39 public comments.

40  
41 MR. MIKE: Thank you, Mr. Chair. Donald  
42 Mike, Southcentral Regional Advisory Council coordinator.

43  
44 There were no written public comments  
45 received for Proposal No. 16, nor Proposal No. 17.

46  
47 Thank you, Mr. Chair.

48  
49 CHAIRMAN DEMIENTIEFF: Thank you. We  
50 have no additional requests for public testimony at this

1 time. Regional Council recommendation.

2

3 MR. BLOSSOM: Mr. Chair. Southcentral  
4 Council we went for 16 and 17 with a modification. We  
5 said one bull. We were just trying to accommodate the  
6 people in the area, and we didn't have this information  
7 that we're hearing today, so that no doubt would weigh on  
8 our decision, too.

9

10 At the time we were told that there was  
11 anywhere from 12 to 15 moose in the area some years and  
12 one bull, we thought, probably wouldn't hurt the long-  
13 term health of the herd.

14

15 CHAIRMAN DEMIENTIEFF: Thank you. Staff  
16 Committee.

17

18 MR. PROBASCO: Thank you, Mr. Chair. The  
19 InterAgency Staff Committee on Proposal 16 recommends to  
20 oppose the proposal contrary to the recommendation of the  
21 Southcentral Regional Advisory Council. In addition close  
22 the season based on conservation concerns.

23

24 As the information that was provided,  
25 this new information indicates that this population is  
26 much smaller than originally thought. A moose index  
27 survey was flown on March 27th using Alaska Department of  
28 Fish and Game's survey protocol and as Chuck said there  
29 was a total of five moose that were observed, and even  
30 with an estimate for under counting at 25 to 50 percent,  
31 the population is still very small.

32

33 The InterAgency Staff Committee  
34 recommends closing the season because the population is  
35 so small that any harvest would violate sound principles  
36 of wildlife management and potentially result in  
37 extrapation of the population. This would be detrimental  
38 the satisfaction of subsistence needs.

39

40 Another point, too, there is another  
41 moose survey planned for late October or November to  
42 survey the fall population. If numbers of moose are  
43 considerably higher then the March survey of the Federal  
44 season could be opened through future regulatory action.

45

46 For Proposal 17, oppose the proposal  
47 consistent with the intent of the Southcentral Regional  
48 Advisory Council's recommendation to take no action. The  
49 small population of moose in Kings Bay cannot support any  
50 additional mortality. The population may also not be

1 able to support existing levels of mortality, and the  
2 recommendation for Proposal 16, is what I just said, is  
3 contrary to what the Southcentral Regional Advisory  
4 Council recommended, and is to close Kings Bay to all  
5 moose hunting.

6  
7 Mr. Chair. The rest of the justification  
8 is noted on Page 191.

9  
10 CHAIRMAN DEMIENTIEFF: Thank you.  
11 Department comments.

12  
13 MR. HAYNES: Mr. Chairman. The  
14 Department recommends that the Board not adopt the  
15 proposed season and harvest limit changes in Proposal 16.

16  
17 Because of low moose numbers in the Kings  
18 Bay area of Unit 7, the current regulations limit harvest  
19 in the Kings Bay area to bulls with spike-fork or 50-inch  
20 antlers or with three or more brow-tines on either  
21 antler. Authorizing the harvest of cow moose would  
22 violate principles of wildlife conservation and reduce  
23 the potential for the moose population to increase in the  
24 area.

25  
26 The Department has conducted five moose  
27 surveys in the Nellie Juan, Kings River area since 1997  
28 and counted between seven and 20 moose each year that a  
29 survey was conducted. The most recent survey conducted  
30 by the Department was in 2002 and it counted 12 moose.  
31 The recent Forest Service indicates that the population  
32 probably has declined from that 12.

33  
34 A winter hunt has not been authorized in  
35 the area since 1972. Liberalizing the Federal regulation  
36 as requested in this proposal will increase the  
37 likelihood that a closure would be needed in the near  
38 future.

39  
40 Now, if the Federal Board follows the  
41 Staff Committee recommendation and rejects this proposal  
42 and also closes the season for conservation purposes, the  
43 Department recommends that our proposal, 06-17 be  
44 deferred until such time that the season is reopened, at  
45 which time we would anticipate wanting to see our  
46 proposal again on the table.

47  
48 Regarding Proposal 17, we either, again,  
49 recommend that no action be taken and that it be deferred  
50 until a season is reopened, if, in fact, the season is

1 closed in this area. But as it stands now, this proposal  
2 would provide very limited opportunity for non-Federally  
3 qualified subsistence users to hunt bull moose on Federal  
4 public lands in the Kings Bay area of Unit 7.

5  
6 The Staff analysis notes that no moose  
7 have been reported harvested in this area under the  
8 Federal Subsistence regulations since 1997 so eliminating  
9 the closure of Federal public lands is not expected to  
10 restrict Federally qualified subsistence users.

11  
12 So, again, if the season is closed we  
13 would like to see our proposal deferred until the season  
14 again is reopened at which time we would raise the  
15 concerns that we've expressed in our proposal.

16  
17 CHAIRMAN DEMIENTIEFF: Okay. Board  
18 discussion. You got more comments from the Regional  
19 Council.

20  
21 MR. BLOSSOM: Yeah, Mr. Chair, I said 16  
22 and 17, I meant 16 is where we took action. 17 we took  
23 no action. And we definitely said no cow moose, even in  
24 16, we said it had to be a bull.

25  
26 CHAIRMAN DEMIENTIEFF: Thank you. Board  
27 discussion.

28  
29 (No comments)

30  
31 CHAIRMAN DEMIENTIEFF: Hearing none. Is  
32 somebody prepared to offer a motion.

33  
34 MR. BREWSTER: Mr. Chair. I move to adopt  
35 Proposal 16 with modifications provided by the  
36 Southcentral Alaska Regional Advisory Council, but after  
37 a second, I'd like to let you know that I intend to  
38 provide a substitute to my motion, which would close the  
39 moose season in Kings Bay.

40  
41 CHAIRMAN DEMIENTIEFF: There is a motion,  
42 is there a second.

43  
44 MR. OVIATT: I'll second.

45  
46 CHAIRMAN DEMIENTIEFF: Okay.

47  
48 MR. BREWSTER: Mr. Chair. I move to  
49 substitute my motion with a motion to close the Kings Bay  
50 moose harvest, and I'll read the language:



1 Unit 7, that portion draining into Kings  
2 Bay, public lands are closed to the  
3 taking of moose for all hunters, no open  
4 season.  
5  
6 And after a second I will give my  
7 rationale for that substitution.  
8  
9 CHAIRMAN DEMIENTIEFF: There is a motion  
10 to offer a substitute amendment, is there a second.  
11  
12 MS. GOTTLIEB: I'll second.  
13  
14 CHAIRMAN DEMIENTIEFF: Go ahead.  
15  
16 MR. BREWSTER: Mr. Chair. As we've heard  
17 here this afternoon, my rationale follows along the lines  
18 that first a moose survey, a moose index survey was flown  
19 on March 27th, 2006 during which only five moose were  
20 observed, including four cows, one bull and no calves.  
21 Surveyors estimate the under count to be no more than 25  
22 to 50 percent. Therefore, any harvest of such a low  
23 number of moose would violate recognized principles of  
24 wildlife management and even potentially result in  
25 extrapation of the population.  
26  
27 Thank you.  
28  
29 CHAIRMAN DEMIENTIEFF: Further  
30 discussion.  
31  
32 MS. GOTTLIEB: Mr. Chair.  
33  
34 CHAIRMAN DEMIENTIEFF: Yes.  
35  
36 MS. GOTTLIEB: Could we please hear what  
37 the plan is for the next -- or when the next moose survey  
38 might be?  
39  
40 CHAIRMAN DEMIENTIEFF: Go ahead.  
41  
42 MR. ARDIZZONE: Mr. Chair, Chuck  
43 Ardizzone. The next moose survey is planned for October  
44 to November of this year.  
45  
46 MS. GOTTLIEB: Thank you.  
47  
48 CHAIRMAN DEMIENTIEFF: Southcentral.  
49  
50 MR. BLOSSOM: Mr. Chair. Southcentral,

1 we would oppose that latest amendment. Mr. Del Frate,  
2 the Fish and Game person that sat before us and talked  
3 while we deliberated talked about the moose varying there  
4 from 25 to 12 and they travel back and forth from that  
5 area over into the Portage Flat area so he said the moose  
6 are moving back and forth, and that's why I guess I  
7 wouldn't want to close this permanent. I'd like to leave  
8 it so that if we find on a count that there's enough  
9 moose to have a subsistence permit for Chenega and  
10 Tatitlek we could do that.

11  
12 CHAIRMAN DEMIENTIEFF: Thank you. Is  
13 there any other discussion on the amending motion.

14  
15 (No comments)

16  
17 CHAIRMAN DEMIENTIEFF: Hearing none, all  
18 those in favor of the amendment please signify by saying  
19 aye.

20  
21 IN UNISON: Aye.

22  
23 CHAIRMAN DEMIENTIEFF: Those opposed,  
24 same sign.

25  
26 (No opposing votes)

27  
28 CHAIRMAN DEMIENTIEFF: Now, we have the  
29 main motion before us as amended.

30  
31 Further discussion.

32  
33 (No comments)

34  
35 CHAIRMAN DEMIENTIEFF: All those in favor  
36 of the motion, as amended, please signify by saying aye.

37  
38 MR. CESAR: Mr. Chairman.

39  
40 CHAIRMAN DEMIENTIEFF: Niles.

41  
42 MR. CESAR: Could I have the main motion  
43 restated please.

44  
45 MR. BREWSTER: Certainly. The main  
46 motion would be:

47  
48 For moose Unit 7, that portion draining  
49 into Kings Bay, public lands are closed  
50 to the taking of moose for all hunters,

1 no open season.  
2  
3 MR. CESAR: Thank you.  
4  
5 CHAIRMAN DEMIENTIEFF: Further  
6 discussion.  
7  
8 MS. GOTTLIEB: Mr. Chair.  
9  
10 CHAIRMAN DEMIENTIEFF: Judy.  
11  
12 MS. GOTTLIEB: So should the moose survey  
13 show higher numbers than the last survey, what would be  
14 the options for those who might want to still request  
15 that the season be open this fall after the survey is,  
16 when the previous season was going to December?  
17  
18 So maybe you could just describe for us  
19 what procedures people could use.  
20  
21 CHAIRMAN DEMIENTIEFF: Go ahead.  
22  
23 MR. BOYD: Mr. Chair, you're looking at  
24 me, I presume?  
25  
26 CHAIRMAN DEMIENTIEFF: Yes.  
27  
28 MR. BOYD: Unless Chuck's got a better  
29 answer.  
30  
31 The Board could, as a results of the  
32 survey, conclude that there's a harvestable population  
33 and then provide some harvest based on a temporary action  
34 that the Board could take and then the following  
35 regulatory cycle could, in fact, change the more  
36 permanent regulation.  
37  
38 Mr. Chair.  
39  
40 CHAIRMAN DEMIENTIEFF: Chuck, do you have  
41 anything you want to add to that?  
42  
43 MR. ARDIZZONE: No, Mr. Chair, I won't  
44 disagree with the boss, that's correct.  
45  
46 (Laughter)  
47  
48 CHAIRMAN DEMIENTIEFF: Any further  
49 discussion on the motion, as amended.  
50

1 (No comments)  
2  
3 CHAIRMAN DEMIENTIEFF: Hearing none, all  
4 those in favor of the motion as amended please signify by  
5 saying aye.  
6  
7 IN UNISON: Aye.  
8  
9 CHAIRMAN DEMIENTIEFF: Those opposed,  
10 same sign.  
11  
12 (No opposing votes)  
13  
14 CHAIRMAN DEMIENTIEFF: Motion carries.  
15 We need a motion on 17.  
16  
17 MR. BREWSTER: Mr. Chair. I will move,  
18 once again, to adopt the recommendation of the  
19 Southcentral Alaska Regional Advisory Council which is to  
20 take no action on No. 17, and after a second I will  
21 provide my rationale.  
22  
23 MR. CESAR: I'll second.  
24  
25 CHAIRMAN DEMIENTIEFF: There's a second.  
26  
27 MR. BREWSTER: My rationale is as  
28 follows. Based on recent moose survey in Kings Bay no  
29 harvest of moose can be justified as described in  
30 Proposal 16. The action we've taken in Proposal 16 to  
31 close all hunting on Federal public lands means that we  
32 should take no action on this proposal as requested by  
33 the Southcentral Council.  
34  
35 This would result in the same action as  
36 opposing the proposal.  
37  
38 CHAIRMAN DEMIENTIEFF: Further  
39 discussion.  
40  
41 (No comments)  
42  
43 CHAIRMAN DEMIENTIEFF: Hearing none, all  
44 those in favor of the motion please signify by saying  
45 aye.  
46  
47 IN UNISON: Aye.  
48  
49 CHAIRMAN DEMIENTIEFF: Those opposed,  
50 same sign.

1 (No opposing votes)

2

3 CHAIRMAN DEMIENTIEFF: Motion carried.

4 Again, 18 has been added to the consent agenda. That  
5 gets us to 68. Go ahead, Staff analysis.

6

7 MR. ARDIZZONE: Mr. Chair. Proposal  
8 WP06-68 can be found on Page 209 of your Board book.

9

10 Proposal WP06-68 was submitted by the  
11 Southcentral Alaska Subsistence Regional Advisory Council  
12 and it requests that an additional moose harvest season  
13 be added in Units 15(B) and 15(C) between October 20th  
14 through November 10th.

15

16 The proponent believes these dates are  
17 more in line with traditional subsistence activities and  
18 will revive the spirit and tradition of the hunt. The  
19 proponent also states historically hunts were postponed  
20 until later in the year following the processing of  
21 salmon.

22

23 On Pages 210 and 211 there's a very long  
24 regulatory history on this hunt. But most recently we  
25 addressed this as Proposal WP06-07 last year. During  
26 that time the board decided to defer this proposal and  
27 send it back to the Council for further discussion and to  
28 come up with some other alternatives that may have less  
29 adverse impacts on the moose population.

30

31 In Units 15(B), the State management  
32 objectives for the Central Kenai Peninsula for Unit 15(B)  
33 west are to maintain a population of moose with a  
34 bull/cow ratio of 20 to 100 and to allow for a maximum  
35 opportunity to participate in hunting. The State's  
36 management objective for Unit 15(B) east are to maintain  
37 a population of moose with a bull/cow ratio of 40 to 100  
38 and to provide for the opportunity to harvest a large  
39 antlered bull under aesthetically pleasing conditions.

40

41 In 2002 a census of a 650 square mile  
42 area of suitable moose habitat estimated the moose  
43 population at approximately 775 to 1,140 animals. In  
44 15(B) the State harvest for 2004 was 53 bulls, for 2006  
45 it was 61 bulls.

46

47 In Unit 15(C) the State management  
48 objectives are to maintain a population of approximately  
49 3,000 moose and to maintain a minimum post hunting sex  
50 ratio of 20 bulls to 100 cows. A composition survey

1 completed for 15(C) in 2003 counted 1,207 moose with a  
2 ratio of 31 calves to 100 cows and 19 bulls per 100 cows.  
3 A census conducted in February 2002 estimated the moose  
4 population between 2,500 and 3,450 animals. The staple  
5 harvest in 15(C) was 309 bulls in 2003, 278 bulls in  
6 2004, and 274 bulls in 2005. The Federal harvest in Unit  
7 15(C) has averaged approximately two moose per year  
8 between 1996 and 2003.

9  
10 Some current events involving this moose  
11 population. After the Board deferred WP05-07, ADF&G, the  
12 Kenai National Wildlife Refuge, the Ninilchik Traditional  
13 Council had further discussion on this issue. At the  
14 October 2005 Southcentral Alaska Subsistence Regional  
15 Advisory Council, the Council once again addressed this  
16 proposal. The Council proposed to retain the original  
17 August 10th through September 20th season dates but also  
18 add an October 20th to November 10th season in Units  
19 15(B) and (C), excluding 15(A). The harvest limit  
20 remained one antlered bull with spike-fork 50 or 50-inch  
21 antlers with three or more brow tines. This late season  
22 addresses the issue of avoiding the moose rut season and  
23 to provide for more priority to Federally qualified  
24 subsistence users to harvest moose closer to the time  
25 period when they customarily and traditionally harvested  
26 moose.

27  
28 Excluding 15(A) addresses the moose  
29 conservation concerns and road access concerns in the  
30 subunit. At the March 2006 Southcentral Regional  
31 Advisory Council meeting the Council discussed this  
32 proposal once again and voted to support the proposal  
33 with one minor modification, to add a seven day reporting  
34 requirement. The Council felt that this would provide  
35 the Federal land managers timely harvest information and  
36 would help them manage the moose hunt effectively.

37  
38 If this proposal were adopted it would  
39 help alleviate some of the conservation concerns that  
40 arose regarding WP05-07 last year. The additional  
41 hunting season would occur after the rut and avoid first  
42 estrus breeding, thus having lesser impacts on the moose  
43 population. This proposal provides additional  
44 subsistence opportunities when the weather is cooler and  
45 meat can be more easily taken care of.

46  
47 This proposal also addresses the concerns  
48 of the declining moose population in Unit 15(A) by  
49 excluding this area from the additional season.

50

1                   That concludes my presentation, any  
2 questions.

3  
4                   CHAIRMAN DEMIENTIEFF: Thank you.  
5 Written public comments.

6  
7                   MR. MIKE: Thank you, Mr. Chair. You  
8 will find your public comments on Page 208. We have one  
9 written public comment from the Alaska Defender's of  
10 Wildlife opposing the proposal.

11  
12                   They urge caution and recommend more  
13 conservative action. Late season winter  
14 moose hunts advocated by these proposals  
15 invites driving, herding and harassing  
16 moose with snowmachines, activities  
17 currently prohibited under Federal  
18 subsistence law. Enforceability is  
19 extremely difficult in remote areas at  
20 this time of year. Abuses connected with  
21 this method of hunting can diminish  
22 healthy populations of moose in an area,  
23 counter to Section .802 of Title VIII,  
24 ANILCA. Unless it is absolutely  
25 necessary to provide a subsistence  
26 opportunity that is lacking in earlier  
27 seasons.

28  
29                   We urge the board to take a very  
30 conservative approach with late season  
31 mechanized winter hunts.

32  
33                   Thank you, Mr. Chair.

34  
35                   CHAIRMAN DEMIENTIEFF: Thank you. We  
36 have one additional request for public testimony. Darrel  
37 Williams.

38  
39                   MR. WILLIAMS: Mr. Chairman. Members of  
40 the Board. Thanks for taking the opportunity to hear me.

41  
42                   First I'd like to start out and just make  
43 sure that everybody's clear that we've had a lot of  
44 testimony and documents that have been submitted to the  
45 RAC and what not and we've talked about this a couple  
46 different times, and to make sure that everybody's had  
47 time to look at this and make sure that they know the  
48 sequence of events that got us here.

49  
50                   And I think I should take a minute to

1 kind of explain the 15(A) thing. When I was reading the  
2 final comments here, it's addressed, but I just want to  
3 make sure to clarify what we were trying to accomplish in  
4 dropping the 15(A) section of the Northern Kenai  
5 Peninsula.  
6

7 In the process of trying to be good  
8 stewards and take care of these resources so we're able  
9 to preserve them in an active way, the decision was made  
10 to not pursue the 15(A) section for the subsistence moose  
11 hunt.  
12

13 I don't want the perception to come  
14 across that we don't have the interest to be able to take  
15 care of these resources. We enjoy trying to play an  
16 active part in being a manager and trying to help  
17 everybody else do these things, but we understand with  
18 the pressure from the hunters that's in that area and the  
19 pressure on the animals is a real big concern. We've had  
20 a lot of discussion about, you know, which should be  
21 first, should subsistence come first or should the  
22 sportshunting come first and essentially what we decided  
23 was that we want to make sure that these resources are  
24 preserved and we want to make sure that the folks down in  
25 Ninilchik have their opportunity to be able to do their  
26 hunting. We had adjusted the timeframe to miss the first  
27 estrus cycle and to try to make it a more viable hunt so  
28 it won't have the effects on the population.  
29

30 We support the proposal as modified.  
31 That's what we had decided at the last RAC meeting, and  
32 I'd like to thank everybody for taking the time to  
33 consider this.  
34

35 Is there any questions.  
36

37 CHAIRMAN DEMIENTIEFF: Questions.  
38

39 MR. WILLIAMS: Mr. Chair.  
40

41 CHAIRMAN DEMIENTIEFF: Go ahead.  
42

43 MR. WILLIAMS: Oh, did you have a  
44 question, I'm sorry?  
45

46 CHAIRMAN DEMIENTIEFF: No, I was asking  
47 if there was any.  
48

49 (No comments)  
50



1 CHAIRMAN DEMIENTIEFF: Thank you, very  
2 much.  
3  
4 MR. WILLIAMS: Thank you.  
5  
6 CHAIRMAN DEMIENTIEFF: Regional Council  
7 recommendation.  
8  
9 MR. BLOSSOM: Mr. Chair. The  
10 Southcentral Regional Council. I'm going to give you a  
11 little history too.  
12  
13 They came to us and asked for this extra  
14 season and it started out, as I recall, to the end of  
15 September continuing the moose season or somewhere in  
16 that neighborhood and then we talked some more and I  
17 said, well, you know, maybe it would be better to have it  
18 while they have the second moose season in part of this  
19 area which was September 26th to like October 13th. So  
20 that was the first proposal that came out after we  
21 listened to the tribe talk to us.  
22  
23 Then Mr. Robin West got involved and Mr.  
24 Sellinger from Fish and Game and they came up with a  
25 compromise to put it later in the fall, and so that's  
26 what you're looking at now at this later season, is what  
27 Mr. West, the manager of the Refuge and Mr. Sellinger,  
28 the local Fish and Game biologist desired. So whether or  
29 not that was our favorite, we agreed to that because all  
30 parties had come to a compromise.  
31  
32 I guess one additional comment I'll make  
33 at this time, this written comment opposing this, Mr.  
34 Robin West, who runs all of this area that's in question  
35 does not open the Refuge to snowmachines, ever before the  
36 1st of December, so you're not allowed to have a  
37 snowmachine anywhere in that part of the world until  
38 December, and then it's if there's enough snow cover.  
39  
40 CHAIRMAN DEMIENTIEFF: Thank you. Staff  
41 Committee.  
42  
43 MR. PROBASCO: Thank you, Mr. Chair.  
44 Staff Committee's recommendation is on Page 207. The  
45 Staff Committee supports the proposal as recommended by  
46 the Southcentral Regional Advisory Council.  
47  
48 The proposal would provide additional  
49 subsistence opportunities more in line with traditional  
50 seasonal subsistence activities. It provides a season

1 when colder temperatures are more conducive for caring  
2 for the meat and vegetative cover is reduced.

3  
4 The proposed season should not have  
5 significant adverse impacts on the moose population as it  
6 avoids disturbance and harvest of moose during the rut.

7  
8 Mr. Chair.

9  
10 CHAIRMAN DEMIENTIEFF: Thank you.  
11 Department comments.

12  
13 MR. HAYNES: Thank you, Mr. Chairman.  
14 The Department recommends adoption of this proposal as  
15 modified by the Southcentral Regional Council and  
16 InterAgency Staff Committee with additional modification.

17  
18 Modifications made to this proposal by  
19 the Regional Council at its fall 2005 and winter 2006  
20 meetings address most of the concerns expressed by the  
21 Department when this proposal was first considered last  
22 year. Specifically, the remainder of Unit 15(A) has been  
23 dropped. And the proposed moose season dates in Units  
24 15(B) and 15(C) have been changed to October 20 to  
25 November 10 in order to avoid hunting during the peak of  
26 the first rut.

27  
28 Adding the seven day reporting  
29 requirement will enable managers to determine if the  
30 number of large bulls being taken is excessive and to  
31 close the season through a special action request, if  
32 necessary, for conservation purposes. We support this  
33 being modified to a five day reporting requirement as  
34 recommended by the Staff Committee and having hunters  
35 return registration permits to the Kenai National  
36 Wildlife Refuge office, rather than to the Office of  
37 Subsistence Management in Anchorage. This is essential  
38 to ensure timely in-season harvest monitoring in closing  
39 the hunt, if necessary, for conservation purposes.

40  
41 However, the Department continues to  
42 recommend that no more than five large bulls be allocated  
43 to this late season hunt. We request that the proposal,  
44 as modified by the Southcentral Regional Council be  
45 further amended to read:

46  
47 No more than two bulls that have antlers  
48 with at least 50-inch spread or at least  
49 three brow-tines on at least one side may  
50 be harvested from Unit 15(B) and no more

1                   than three bulls that have antlers with  
2                   at least a 50-inch spread or at least  
3                   three brow-tines on at least one side may  
4                   be taken from Unit 15(C).  
5  
6                   This will help to minimize the impacts on  
7 highly vulnerable post-rut congregations of nutritionally  
8 stressed large bulls.  
9  
10                  And I would note that the last paragraph  
11 of the Staff analysis on Page 216 does acknowledge that  
12 the Department had some additional concerns beyond what  
13 had been addressed by the Regional Council in previous  
14 meetings and in working with the Department and the  
15 Refuge to try to find some common ground.  
16  
17                  Thank you.  
18  
19                  CHAIRMAN DEMIENTIEFF: Thank you. Board  
20 discussion.  
21  
22                  MS. GOTTLIEB: Mr. Chair.  
23  
24                  CHAIRMAN DEMIENTIEFF: Yes.  
25  
26                  MS. GOTTLIEB: I guess I had just one  
27 more question for Terry.  
28  
29                  I see the charts in our book on species  
30 and bag limits under State, but is there likewise a  
31 reporting requirement that would go with this?  
32  
33                  MR. HAYNES: I'm sorry, maybe I missed  
34 the question.  
35  
36                  MS. GOTTLIEB: Sure. On Pages 217 and  
37 218 we have outlined State species and bag limits for  
38 this unit so that's really been helpful to compare with  
39 what we're talking about, but we've also introduced the  
40 concept of a permit and reporting period of five days,  
41 and so I'm wondering if there's something similar in your  
42 system.  
43  
44                  MR. HAYNES: Mr. Chairman. All of these  
45 hunts, all of the State hunts either require a harvest  
46 ticket or a permit of some sort as a reporting mechanism.  
47  
48                  Does that help?  
49  
50                  MS. GOTTLIEB: I guess I'm just looking

1 for, is it five days or end of season or maybe we don't  
2 have that information right here?

3

4 MR. HAYNES: Gino Del Frate, the  
5 management coordinator is here and he's telling me that  
6 for permit hunts it's 10 days if you were successful.  
7 And then the moose taken by harvest ticket fall under a  
8 different timeframe.

9

10 MS. GOTTLIEB: Okay, thank you.

11

12 MR. EDWARDS: Mr. Chairman, I have  
13 another question for the State.

14

15 CHAIRMAN DEMIENTIEFF: Gary.

16

17 MR. EDWARDS: Isn't there a fairly  
18 significant bull harvest occurring in 15(C) now?

19

20 MR. HAYNES: Could you repeat the  
21 question, please?

22

23 MR. EDWARDS: Well, the bull harvest in  
24 -- I'm trying to, I guess, understand more about the need  
25 to restrict the harvest to three bulls. I believe in  
26 2005, 271 bulls were harvested in 15(C).

27

28 MR. DEL FRATE: Thank you, Mr. Chair.  
29 Mr. Edwards. The report requirement as well as the  
30 permit requirement is something that the area biologist  
31 was suggesting in a way to get his hands around the  
32 potential for what we see is a good harvest in this late  
33 season hunt. The bulls are all grouped up in the sub-  
34 Alpine area and we would like to be able to see what's  
35 going on and be able to take action if this harvest  
36 becomes excessive.

37

38 MR. EDWARDS: Would there be other ways  
39 to do that without starting off immediately with kind of  
40 a numbers restriction, you know, recognizing that,  
41 certainly at some point if you're going to make a  
42 decision, you need to set some sort of a threshold but  
43 based upon your kind of average annual harvest up there,  
44 is it -- wouldn't it be maybe a little premature to start  
45 off with three bulls until we had an idea of how this  
46 hunt is going to proceed, potentially the difficulty of  
47 even getting up there at certain times of the year and  
48 all?

49

50 MR. DEL FRATE: I believe there's

1 probably other ways to come about that. This is the  
2 method that our area biologist, Jeff Sellinger, had felt  
3 that it was probably the best way to achieve, at least, a  
4 handle on the harvest.

5  
6 I think I'm getting the question that  
7 you're more concerned about the total season limit of  
8 three animals as opposed to the permit?

9  
10 MR. EDWARDS: Yes. I'm not suggesting  
11 that at some point, if you're going to set some  
12 thresholds or if you're going to make decisions whether  
13 you need to restrict or not, at some point you need to,  
14 obviously, set some thresholds and base that upon, I  
15 guess, some biological rationale. I guess I was just  
16 suggesting is that I believe the State's position is that  
17 we need to set that kind of threshold to begin with  
18 before we really have a better feel as to what it is  
19 actually going to occur with the harvest.

20  
21 MR. DEL FRATE: The total limit of five  
22 bulls was set to ensure that we didn't get a large  
23 harvest in the first year and I think that with a five  
24 day reporting period it's also possible that that limit  
25 will be -- could be exceeded if you get quite a few  
26 permittees into this area, and by the time they got out  
27 of the field and reported, even if it was a five day  
28 reporting period, we could see additional animals taken  
29 and so with a small threshold it would ensure that we  
30 could be able to keep track of that and about the only  
31 way I could see keeping a better handle on that would be  
32 to have Staff in the field in these highly access -- or  
33 not highly accessible areas, in these accessible areas  
34 monitoring the harvest as they came out, kind of a  
35 checkstation style.

36  
37 MR. HAYNES: Mr. Chairman. If I might  
38 add something.

39  
40 CHAIRMAN DEMIENTIEFF: Terry, go ahead.

41  
42 MR. HAYNES: Where obviously the limit of  
43 five that we're talking about is for the large bulls  
44 only, recognizing that we have less concern about the  
45 smaller bulls that would be taken during this late season  
46 hunt. But as has been pointed out, because the large  
47 bulls are sometimes congregating they're more vulnerable  
48 to harvest in groups and we're concerned about  
49 potentially having the breeding stock overharvested.  
50 Now, there could be several ways to address this, if

1 there was an interest in having a ceiling on large bulls,  
2 you know, that could be a guideline that's suggested. It  
3 wouldn't necessarily have to be written into the  
4 regulation but it would provide some guidance as to when  
5 we would feel comfortable in seeing some action taken or  
6 recognition that if we allow excessive harvest of large  
7 bulls during the late season which may or may not occur,  
8 that it could require that there be more restriction  
9 action taken in the future.

10

11 MR. EDWARDS: Then as a follow up  
12 question, of the 271 bulls that were taken in 2005, how  
13 many of those were large bulls, by the definition?  
14

15 MR. DEL FRATE: While Terry is looking  
16 for that, as a past assistant area biologist for that  
17 area I could give you a general feeling that in the past  
18 between 100 and about 150 bulls annually were in the  
19 large category out of a harvest of 250 to 350 bulls and  
20 it was usually pretty stable.

21

22 In the case of this proposed hunt area,  
23 in at least the 15(C) side, a good portion of the moose  
24 that occur throughout the low land portion of 15(C) move  
25 up into the Caribou Hills, which is a sub-Alpine area and  
26 at times you can have 600 to 1,000 moose in this area.  
27 And so the vulnerability of some of these moose is a bit  
28 higher. And our area biologist is pretty concerned that  
29 if the word got out that we would have a fairly good  
30 amount of effort that got up into this area. And, of  
31 course, the only limitation is the access.

32

33 MR. EDWARDS: Well, then one more follow  
34 up question, you know, given that this will be a  
35 subsistence hunt, I mean what does data show that the  
36 subsistence hunter in pursuit of moose, was there a  
37 tendency to hunt larger bulls or smaller bulls or is  
38 there any consistency based upon subsistence harvest as  
39 to preference? Assuming that all these bulls, critters,  
40 are going to be gathered together, it seems to me then  
41 that the hunter might be able to sort of pick and choose  
42 and I guess my question is what might the hunter pick?  
43

44 MR. DEL FRATE: Mr. Chair. From my  
45 experience, since nearly all of the bulls that are taken  
46 in this area are used for food and not specifically  
47 Federal subsistence users, I would say the first  
48 inclination of a hunter is to take the first legal bull  
49 that they come across, and if they came across a group of  
50 moose they would take the biggest moose that they could

1 get.

2

3 CHAIRMAN DEMIENTIEFF: Doug, you had a  
4 question or comment.

5

6 MR. BLOSSOM: Mr. Chairman, I have lots.  
7 First of all, we decided between Fish and Game and us and  
8 the Refuge people that seven days was a proper time so we  
9 thought we had that solved.

10

11 Secondly, I told them at our advisory  
12 meeting this last time that there'd probably be at least  
13 20 bulls shot the first year and so they know that  
14 already. I said it wasn't going to be three or five, I  
15 said it would be at least 20.

16

17 The third big issue that you folks need  
18 to know is that this area is not accessible. There is a  
19 Funny River Road that runs up through that there might be  
20 a moose or two wander across that, but, in general, to  
21 get to this you either have to have a strong back or  
22 horses, there's no motorized vehicles allowed in any of  
23 this area, it's remote.

24

25 And I guess on Page 213 you look at the  
26 Federal moose harvest over the years and that kind of  
27 shows you that this country isn't accessible for just  
28 everybody to just roar into. But I'm not trying to, you  
29 know, when they made the season so late, which we agreed  
30 to, you're going to take more moose. Earlier, where our  
31 Council started out with, you wouldn't even know it  
32 happened.

33

34 So under the scenario I'm telling you  
35 right now, and I told them, that 20 moose and I still  
36 believe that, so I just want to let you know where we're  
37 at, that this is an opportunity for these people in a  
38 remote area to try to get another moose if they didn't  
39 get one earlier.

40

41 Now, I hunt a lot of this area in the  
42 regular season and get my moose in there because I have  
43 horses. It's not an easy area to get into so I just -- I  
44 think some of this is just getting overblown and I don't  
45 think we need any limit on it, I think you need to try it  
46 and go from there.

47

48 CHAIRMAN DEMIENTIEFF: Thank you.

49

50 MR. EDWARDS: I got one more question

1 then. Would you care then to prophecize of those 20  
2 bulls, how many you would assume might be large bulls?  
3  
4 MR. BLOSSOM: Mr. Chair. In 15(B)  
5 probably where they're going to hunt will be up in the  
6 Tustomena Bench Land, and that time of year you don't  
7 find -- really you don't find any little bulls, so I'm  
8 going to guess that any bull got in that area during that  
9 timeframe will be a big bull.  
10  
11 In 15(C) the first moose they see that's  
12 legal.  
13  
14 CHAIRMAN DEMIENTIEFF: Any other  
15 questions.  
16  
17 (No comments)  
18  
19 CHAIRMAN DEMIENTIEFF: Board discussion.  
20 Any other Board discussion.  
21  
22 (No comments)  
23  
24 CHAIRMAN DEMIENTIEFF: Are we ready for a  
25 motion.  
26  
27 MR. EDWARDS: Mr. Chairman, I'm going to  
28 move that we adopt Proposal 68 as recommended by the  
29 Southeast [sic] Regional Advisory Council. I am going  
30 to, if I get a second, do two little modifications to  
31 that which I hope will be acceptable.  
32  
33 CHAIRMAN DEMIENTIEFF: Yeah, that's the  
34 Southcentral Regional Council.  
35  
36 MR. EDWARDS: Excuse me.  
37  
38 CHAIRMAN DEMIENTIEFF: Is there a second  
39 to the motion.  
40  
41 MR. BREWSTER: I'll second it.  
42  
43 CHAIRMAN DEMIENTIEFF: Okay. Discussion.  
44  
45 MR. EDWARDS: Well, Mr. Chairman, when  
46 it's appropriate I guess my two modifications or  
47 amendment, as I understand it, what the Council was  
48 recommending was a seven day reporting period and I guess  
49 I would amend that to, which, I understand is we do  
50 currently have a five day reporting period, and I think



1 that would be adequate, so I would amend it that way.  
2  
3 And we speak in here, you know, to giving  
4 the Refuge Manager, that we need to give him delegated  
5 authority to close, if necessary, based upon what the  
6 harvest will be demonstrating would be occurring.  
7  
8 So those would be the two amendments that  
9 I would make to the Council's proposal.  
10  
11 CHAIRMAN DEMIENTIEFF: Is there a second  
12 to the amendment for the modification.  
13  
14 MR. CESAR: Second.  
15  
16 CHAIRMAN DEMIENTIEFF: It's been moved  
17 and seconded. Discussion on the amendment.  
18  
19 (No comments)  
20  
21 CHAIRMAN DEMIENTIEFF: Hearing none, all  
22 those in favor of the amending.....  
23  
24 MR. EDWARDS: Mr. Chairman.  
25  
26 CHAIRMAN DEMIENTIEFF: Go ahead.  
27  
28 MR. EDWARDS: Mr. Chairman. I guess I'd  
29 just like to say a couple things about the motion. I  
30 guess, one, I do recognize that while this particular  
31 issue is probably as not thorny and all as some of them  
32 that we've been dealing with with the fishery issues on  
33 the Peninsula, I do think it's a good example of folks  
34 trying to come together to address this issue. I know our  
35 Refuge folks working with the State, working with the  
36 Council tried to sort through this issue and it seems to  
37 me that they've come up with a good recommendation. I  
38 think this proposal is better than the proposal of last  
39 year, it does avoid the peak period of the rut, and it  
40 does exclude some of the road accessible potential  
41 hunting that I know that our Refuge Manager was concerned  
42 about.  
43  
44 I do want to take knowledge, you know,  
45 that I guess the State's concerns about, you know,  
46 setting some -- ensuring that we have some thresholds. I  
47 guess, as I said earlier, I think we can address that by  
48 letting the hunt occur and see what happens and, if  
49 necessary, we can certainly come back and visit that and  
50 establish an appropriate threshold.

1 CHAIRMAN DEMIENTIEFF: Thank you.  
2 Further discussion on the amendment.  
3  
4 MS. GOTTLIEB: Mr. Chair.  
5  
6 CHAIRMAN DEMIENTIEFF: Judy.  
7  
8 MS. GOTTLIEB: So I guess just to be  
9 clear then for Fish and Wildlife, you're comfortable that  
10 the five day reporting will give you enough information  
11 in a timely manner to handle any concerns?  
12  
13 MR. EDWARDS: Yes.  
14  
15 MS. GOTTLIEB: Thank you.  
16  
17 CHAIRMAN DEMIENTIEFF: Thank you.  
18 Further discussion on the amendment.  
19  
20 (No comments)  
21  
22 CHAIRMAN DEMIENTIEFF: Hearing none, all  
23 those in favor of the amendment please signify by saying  
24 aye.  
25  
26 IN UNISON: Aye.  
27  
28 CHAIRMAN DEMIENTIEFF: Those opposed,  
29 same sign.  
30  
31 (No opposing votes)  
32  
33 CHAIRMAN DEMIENTIEFF: The amendment  
34 carries. We now have the main motion before us as  
35 amended. Any further discussion.  
36  
37 (No comments)  
38  
39 CHAIRMAN DEMIENTIEFF: Hearing none, all  
40 those in favor signify by saying aye.  
41  
42 IN UNISON: Aye.  
43  
44 CHAIRMAN DEMIENTIEFF: Those opposed,  
45 same sign.  
46  
47 (No opposing votes)  
48  
49 CHAIRMAN DEMIENTIEFF: Motion carries.  
50 Okay, that completes our work in Southcentral. We'll

1 shift gears now, all of the items in Region 4, Bristol  
2 Bay are on the consent agenda so we'll shift to Region 5,  
3 Yukon-Kuskokwim.

4  
5 (Pause)

6  
7 CHAIRMAN DEMIENTIEFF: Sorry, I'm sorry  
8 Kodiak/Aleutians actually that we need to deal with. I'm  
9 sorry, I didn't mean to skip over.

10  
11 (Pause)

12  
13 CHAIRMAN DEMIENTIEFF: 19 and 20, and I  
14 believe they're grouped; is that correct?

15  
16 MR. BOYD: Correct.

17  
18 CHAIRMAN DEMIENTIEFF: Okay, go ahead.

19  
20 MS. GREFFENIUS: Good afternoon, Mr.  
21 Chair and Members of the Board. My name is Laura  
22 Greffenius, and I'm a wildlife biologist in the Office of  
23 Subsistence Management.

24  
25 Wildlife Proposals WP06-19 and WP06-20  
26 begin on Page 219 in your Board book. For your  
27 reference, Unit 9 map is on Page 564. These proposals  
28 shall be presented in a combined analysis as they deal  
29 with the same issue, the Southern Alaska Peninsula  
30 Caribou Herd, and the Staff analysis begins on Page 222.

31  
32 Both proposals request the Federal  
33 Subsistence Board to consider further restrictions to  
34 Federal harvest regulations for the Southern Alaska  
35 Peninsula Caribou Herd in Unit 9(D), and these proposals  
36 address conservation concerns about the declining  
37 population of the caribou herd and propose regulatory  
38 changes to facilitate an increase in the size of the  
39 herd.

40  
41 Proposal No. 19 was submitted by the  
42 Kodiak/Aleutians Subsistence Regional Advisory Council  
43 and it would eliminate the cow hunt and decrease the  
44 harvest from two caribou to one bull in Unit 9(D). In  
45 addition the Council requested that Federal public lands  
46 be closed to caribou hunting except by Federally  
47 qualified subsistence users hunting under these  
48 regulations.

49  
50 Proposal No. 20 was submitted by the

1 Alaska Department of Fish and Game and this proposal  
2 requests an elimination of the cow hunt as well, while  
3 maintaining a harvest limit of two animals.

4  
5 And in 2004 the permanent regulation was  
6 adopted to increase the Federal harvest limit to two  
7 caribou in Unit 9(D) and including the winter season from  
8 November 15th to March 31st, and this reflects the  
9 Federal regulation that's currently in place.

10  
11 The most recent aerial survey of this  
12 caribou herd completed in January 2006 resulted in a  
13 population estimate of 1,651 animals, this is in the  
14 column on the far right of Table 1 on Page 225. And also  
15 on Table 1 the calf to cow ratio composition count from  
16 the fall 2005 is six calves per 100 cows. It has been low  
17 over the past four years which indicates a population  
18 decline is occurring and the current recruitment is not  
19 sufficient to off set the adult mortality. The bull to  
20 cow ratio is approximately 30 bulls per 100 cows which is  
21 within the management objectives.

22  
23 Guidelines and management objectives  
24 established in the 1994 Southern Alaska Peninsula Caribou  
25 Herd Management Plan beginning on the bottom of Page 224  
26 combine population numbers for both the Southern Alaska  
27 Peninsula Caribou Herd in Unit 9(D) and the Unimak  
28 Caribou Herd on Unimak Island in Unit 10. Note that  
29 since this management plan was written, the Unimak  
30 Caribou Herd is currently distinguished as a separate  
31 herd from the Southern Alaska Peninsula Caribou Herd.  
32 The current population estimate for the Unimak Caribou  
33 Herd is about 1,000 animals. At current population  
34 estimates combining both herds would be approximately  
35 2,660 caribou so an elimination of the cow hunt is in  
36 accordance with guidelines outlined in the management  
37 plan. Further, the management plan states that harvest  
38 is to be discontinued when these herds fall below 2,500  
39 animals.

40  
41 The average yearly harvest for the  
42 Southern Alaska Peninsula Caribou Herd in Unit 9(D) from  
43 2000 to 2004 regulatory year totals about 60 from both  
44 State and Federal hunts, and this information was  
45 presented by the Alaska Department of Fish and Game area  
46 wildlife biologist to the Kodiak/Aleutians Council at  
47 their recent March 2006 meeting.

48  
49 Also since this analysis was written, the  
50 Federal subsistence harvest for the Unit 9(D) 2005/2006

1 season has been reported, the most recent information  
2 available to date is 23 caribou, that's 22 males and one  
3 female have been harvested on Federal public lands Unit  
4 9(D).  
5

6 Harvest under the current Federal  
7 registration permit with a two caribou limit has been  
8 primarily bulls. The State harvest totals are primarily  
9 bulls as well and under the State hunt, which allows an  
10 antlerless caribou harvest during the winter season,  
11 about 10 percent of the harvest has been cows.  
12

13 In summary, both proposals aim to manage  
14 the Southern Alaska Peninsula Caribou Herd for population  
15 growth.  
16

17 Proposal No. 19 would reduce the caribou  
18 limit from two animals of either sex to one bull and in  
19 addition Federal public lands would be closed to hunting  
20 except by Federally qualified subsistence users.  
21

22 Proposal No. 20 would change the Federal  
23 hunt to bulls only with a harvest limit of two.  
24

25 And that concludes the summary of the  
26 analysis. Thank you.  
27

28 CHAIRMAN DEMIENTIEFF: Thank you.  
29 Written public comments.  
30

31 MS. CHIVERS: Thank you, Mr. Chair.  
32 Michelle Chivers, Council Coordinator for the  
33 Kodiak/Aleutians Council. We did receive three written  
34 public comments in support of the proposals.  
35

36 One was from a James Smith out of Cold  
37 Bay. He thinks the limit should be one  
38 antlered bull, early season and late  
39 season should be one antlered bull to  
40 protect the cows.  
41

42 The second comment was from John Maxwell  
43 out of Cold Bay. He supports one bull  
44 and he thought they should drop the  
45 antlerless part. During the first part  
46 of the winter season through early  
47 December, 70 percent of the bulls still  
48 carry their antlers.  
49

50 The third comment was from Harry Lind out

1 of Cold Bay and he is not in any way  
2 suggesting that the hunt be cancelled  
3 because it is needed, but it is his hope  
4 that you will only allow the collecting  
5 of mature bulls which will allow the herd  
6 to regain its numbers.

7  
8 Thank you, Mr. Chair.

9  
10 CHAIRMAN DEMIENTIEFF: Thank you. We  
11 have no additional requests for public testimony at this  
12 time.

13  
14 Regional Council recommendation.

15  
16 MS. CHIVERS: Thank you, Mr. Chair. I'm  
17 going to go ahead and read those into the record.

18  
19 For Proposal 19 the Kodiak/Aleutians  
20 Council opposed this proposal due to the action taken on  
21 Proposal 20.

22  
23 They supported Proposal 20. Recognizing  
24 that the bulls only hunt with a limit of  
25 two bulls would allow continued harvest  
26 of the Southern Alaska Peninsula Caribou  
27 Herd as the bull/cow ratio is sufficient  
28 and within management objectives, while  
29 also addressing the herd's population  
30 decline by eliminating the cow hunt.

31  
32 Regarding the aspect of closing Federal  
33 public lands to hunting for non-Federally  
34 qualified subsistence users, several  
35 Council members expressed that this did  
36 not appear to be an issue at this time,  
37 and presently did not view it as a  
38 necessity to close public lands. The  
39 point was brought up that if the Federal  
40 public lands were closed, non-subsistence  
41 users would concentrate their hunting  
42 efforts on State and corporation lands,  
43 which would especially affect the  
44 community of Nelson Lagoon.

45  
46 The Council Chair indicated that in the  
47 further the Council may need to restrict  
48 Federal public lands but they would need  
49 more input from the communities.

50

1 An issue which was brought up multiple  
2 times was concern regarding the low  
3 calf/cow ratio. Council members would  
4 like to understand why and what could be  
5 done about the result in population  
6 decline of the herd. They would also  
7 like more resources in the form of  
8 research efforts dedicated to this  
9 problem.  
10  
11 Also options were discussed about how to  
12 change the existing State regulations to  
13 further benefit subsistence users of the  
14 herd.  
15  
16 The Department of Fish and Game area  
17 biologist provided information on  
18 procedural matters to change the State  
19 regulations. Options suggested included  
20 closing the State winter season,  
21 adjusting the State seasons to provide  
22 advantages to subsistence hunters and  
23 restricting the numbers of permits for  
24 guides hunting caribou in Unit 9(D).  
25  
26 Thank you, Mr. Chair.  
27  
28 CHAIRMAN DEMIENTIEFF: Thank you. We  
29 have no additional requests for public testimony at this  
30 time.  
31  
32 Regional Council recommendation, did we  
33 get there -- oh, that was it, I'm sorry.  
34  
35 InterAgency Staff Committee.  
36  
37 MR. PROBASCO: Thank you, Mr. Chair.  
38 InterAgency Staff Committee recommendations are on Page  
39 220 and 221. The Staff Committee opposes Proposal 19 and  
40 supports Proposal 20 as recommended by the  
41 Kodiak/Aleutians Subsistence Regional Advisory Council.  
42  
43 Changing the harvest limits to bulls only  
44 should improve cow survival somewhat and  
45 consequent production recruitment of  
46 calves at time of the population decline.  
47 Poor nutrition appears to be one of the  
48 main factors for the population decline.  
49 A bulls only harvest can be supported  
50 with the current bull/cow ratio.

1 Closure of Federal public lands to non-  
2 Federally qualified subsistence users is  
3 not considered to be necessary at this  
4 time as the harvestable surplus of  
5 bulls can support both subsistence and  
6 non-subsistence uses.

7  
8 Additional biological information about  
9 the population from population surveys  
10 and radio collar monitoring studies  
11 should provide a basis for future  
12 management decisions, and these studies  
13 are ongoing.

14  
15 Mr. Chair.

16  
17 CHAIRMAN DEMIENTIEFF: Thank you.  
18 Department comments.

19  
20 MR. HAYNES: Mr. Chairman. The  
21 Department supports Proposal 19 with modification.

22  
23 This proposal would reduce the harvest  
24 limit in Unit 9(D) from two caribou to one bull and close  
25 Federal lands to hunting by non-Federally qualified  
26 subsistence users. We do not support the closure of  
27 Federal public lands at this time. We do support a  
28 reduction in the harvest limit in Unit 9(D) to one bull  
29 in the fall season or one antlerless caribou in the  
30 winter season. This is an important conservation measure  
31 that would also align the State and Federal harvest  
32 limits and simplify the regulations.

33  
34 The Staff analysis indicates that the  
35 bull/cow ratio in the Southern Alaska Peninsula Caribou  
36 Herd has declined from 36 to 30 bulls per 100 cows and  
37 the calf/cow ratio has declined to six calves per 100 cows  
38 and was low in the fall of 2005 as it had been for the  
39 previous four years indicating that a population decline  
40 is occurring. Although the bull/cow ratio remains within  
41 the management objectives, the general lack of  
42 recruitment suggests that the ratio will continue to  
43 decline until recruitment improves or bull survival  
44 increases.

45  
46 These data and uncertainties about how  
47 much of the actual caribou harvest in Unit 9(D) under the  
48 Federal regulations is unreported demonstrate a need for  
49 conservative management of the Southern Alaska Peninsula  
50 Caribou Herd.



1                   The Department plans to evaluate the  
2 composition of the 2005/2006 harvest and if many cow  
3 caribou are being taken may propose that winter  
4 antlerless harvest be discontinued in the State hunt next  
5 year. Eliminating all cow harvest is essential to slow  
6 the population decline and to prevent herd numbers from  
7 falling below 2,500 animals at which time the Southern  
8 Alaska Peninsula Caribou Herd Management Plan calls for  
9 hunting to be closed.

10  
11                   If the Department submits a proposals to  
12 the Board of Game to discontinue the antlerless winter  
13 hunt next regulatory year we anticipate submit a  
14 companion proposal to the Federal Board.

15  
16                   Regarding Proposal 20 which is a  
17 Department proposal. We support it with modification.  
18 We wrote the original proposal before composition surveys  
19 had been conducted in October of last year and new  
20 population counts have been completed. In view of the  
21 current population estimate of 2,600 caribou in the herd,  
22 both the Southern Alaska Peninsula and Unimak Island  
23 Herds, the Department now believes that reducing the  
24 harvest limit to one bull will help to slow the  
25 population decline and prevent the herd from falling to  
26 2,500 animals, a level at which, again, the Management  
27 Plan calls for all harvesting to be curtailed.

28  
29                   Thank you.

30  
31                   CHAIRMAN DEMIENTIEFF: Thank you. Board  
32 discussion.

33  
34                   MR. EDWARDS: Mr. Chairman. I have a  
35 question for the State. Terry in looking at some  
36 information that I just sort of have received and I  
37 believe it came from your manager out there, it shows in  
38 many years that the actual harvest out there in 9(D) by  
39 non-residents of Alaska, not only non-residents of the  
40 area exceed the success of both the local residents or  
41 non-local residents within the state. And having spent a  
42 lot of time out there and as late as last week, I just --  
43 does anybody have kind of an explanation for that?

44  
45                   Just intuitively, given the cost of  
46 getting out there and, you know, the decrease in the  
47 herd, it just seems strange that there's such a --  
48 appears to be such a high non-resident use of that area.

49  
50                   MR. HAYNES: Go ahead.

1 MR. DEL FRATE: Mr. Chair. Mr. Edwards.  
2 Generally speaking, the non-resident success rate is  
3 usually considerably higher. It's -- when you put a  
4 guide into an area and I believe we have some  
5 longstanding guides that have been in this area for a  
6 long time, they're very good at what they do, they market  
7 themselves as being successful and when they get a client  
8 that does pay a substantial amount of money to come down  
9 there and hunt, they're expected to be successful, and  
10 they work very hard to get their animals. And so this is  
11 generally the case across the state and success rates are  
12 usually higher for guided non-residents, and I would  
13 think that the majority of these hunters down here are  
14 guided, non-residents, and not just non-residents that  
15 have been transported in there because I think there are  
16 easier caribou herds to take advantage of by transporters  
17 and much closer to the population centers. So in this  
18 case, I believe most of these non-residents are guided.  
19

20 So I think that that's going to be your  
21 case with the actual success rate. It is a small number  
22 of hunters but it is a high success rate.  
23

24 MR. EDWARDS: But at least our data for  
25 those guides that are registered to hunt on the Refuge  
26 actually shows very little take and in some years, zero,  
27 so, you know, if you look at 9(D), you know, unless most  
28 of that hunting is occurring out of Nelson Lagoon, it  
29 doesn't seem to coincide with at least what, you know,  
30 with those guides that are registered and there's only, I  
31 believe, a couple that are registered to guide on the  
32 Refuge. It doesn't appear that they're taking many  
33 caribou, at least over the last four years or so.  
34

35 MR. HAYNES: Mr. Chairman. We don't have  
36 more details on the breakdown of where the harvests are  
37 occurring.  
38

39 I do recall reading the transcript of the  
40 Kodiak/Aleutians Regional Council meeting and some of the  
41 Council members expressed concern about -- their  
42 preference was for Federal lands to remain open because  
43 that would help to -- there's some lands around villages  
44 or apparently closer to villages that are non-Federal  
45 lands that if the Federal lands were closed, it would  
46 force more of the non-local hunting effort on to lands  
47 that might be used more by some of the local villages.  
48 So there was some support on the Regional Council for  
49 helping to ensure that that hunting effort is being  
50 distributed widely across Federally managed and State-

1 managed lands.

2

3

MS. GOTTLIEB: Mr. Chair.

4

5

CHAIRMAN DEMIENTIEFF: Judy.

6

7

MS. GOTTLIEB: I guess the way I'm understanding it, the Council supported to going to two bulls to eliminating the cow hunt, but am I reading correctly, Terry, that for the State regulations cow hunt is available to people?

12

13

MR. HAYNES: No, the -- excuse me.

14

15

(Pause)

16

17

MR. HAYNES: The State regulations have an antlerless hunt in the winter, and in this case the antlerless caribou are mostly bulls.

20

21

CHAIRMAN DEMIENTIEFF: Bristol Bay.

22

23

MS. LYONS: Thank you, Mr. Chair. I would just like to add, possibly for some clarification for you, Mr. Edwards, there are actually a couple of new game transporters that are basing out of the Naknek/King Salmon area that are going down into that area also with out of state and non-qualified hunters, although I'm sure some of them are also resident hunters, but that is also adding pressure, of course, that has to do with the Northern Alaska Peninsula Herd and our big declines that we're having. So there is definitely some new pressure that's being introduced down there, and we're hearing about it also at our level, at our Regional Advisory Council.

36

37

And there was actually a proposal that wasn't quite put together to our satisfaction that we rejected this time, but it included exactly some of the issues Mr. Haynes was talking about, wanting to impose a zone around these certain villages to ensure that these new people that were coming in would not be taking meat from the qualified subsistence users, but then you get into guide areas and a whole other ball game.

45

46

So if that helps, yeah, there is some additional pressure that's arriving in that area.

48

49

Thank you, Mr. Chair.

50

1 CHAIRMAN DEMIENTIEFF: Thank you.  
2 Further discussion.  
3  
4 MS. GOTTLIEB: Mr. Chair.  
5  
6 CHAIRMAN DEMIENTIEFF: Judy.  
7  
8 MS. GOTTLIEB: I guess another question.  
9 When would we expect another survey to be taken, either  
10 by the Refuge or perhaps by Fish and Game?  
11  
12 CHAIRMAN DEMIENTIEFF: Go ahead.  
13  
14 MS. GREFFENIUS: Yes, the pattern is in  
15 the fall the composition counts are done, and then  
16 usually in a timeframe somewhere in November through  
17 January or February, depending on weather or the winter  
18 population counts. Also this summer there's going to be  
19 radio collar work being done with the females and so  
20 there'll be additional work being addressed as far as the  
21 health of the female population and they'll get some  
22 composition information just through the work they're  
23 doing this spring and summer.  
24  
25 MS. GOTTLIEB: Thank you.  
26  
27 CHAIRMAN DEMIENTIEFF: Further  
28 discussion.  
29  
30 (No comments)  
31  
32 CHAIRMAN DEMIENTIEFF: Is somebody  
33 prepared to offer a motion.  
34  
35 Gary.  
36  
37 MR. EDWARDS: Mr. Chairman. I move that  
38 for Proposal 19 that we move to adopt the proposal that  
39 was provided by the Kodiak/Aleutians Regional Advisory  
40 Council. I am going to not vote for that motion, but  
41 after a second, will add an amendment to that based upon  
42 my visit last week down to the Refuge.  
43  
44 CHAIRMAN DEMIENTIEFF: Is there a second.  
45  
46 MR. CESAR: Yes, I'll second it.  
47  
48 CHAIRMAN DEMIENTIEFF: Okay. It's been  
49 moved and seconded.  
50

1 Gary.

2

3 MR. EDWARDS: Mr. Chairman. To follow up  
4 on that, I did spend last Thursday and Friday down on the  
5 Refuge with our new Regional Director and visited both  
6 Cold Bay as well as King Cove, and in talking to our  
7 Refuge Manager down there, Sandra Siekaniec, she's very  
8 concerned from a conservation standpoint.

9

10 I think there's no question that this  
11 population has been declining and declining somewhat  
12 rapidly, although the cow/bull ratio does seem to be  
13 currently within acceptable limits. I think there's an  
14 assumption that this is just going to continue to slide.  
15 It's somewhat unclear exactly what the cause of the  
16 decline is but it does appear to be very significant. I  
17 know she is also concerned about, you know, the  
18 historical reporting there, both in permits as well as  
19 success and I think since she's been down there as Refuge  
20 Manager she's been trying to do a much more judicious job  
21 on that.

22

23 For example in 2004, we had 30 Federal  
24 registration permits with a harvest of five bulls, so  
25 since she's been down there in 2005 that jumped to 102  
26 with a harvest of 22, so at least on the surface it might  
27 lead you to believe that we're having a much larger  
28 participation as well as harvest than we may have  
29 previously assumed down there. I know as the Refuge  
30 Manager she feels that we definitely have a conservation  
31 concern and certainly urged me that going to a one bull  
32 harvest would be the prudent thing to do at this point.

33

34 So my modification to the proposal would  
35 be that we would establish a one bull harvest limit, but  
36 we would continue to not close it to -- the Federal  
37 public lands to hunters of -- non-Federally qualified  
38 hunters, so that would be my amendment.

39

40 And, again, I think she feels that from a  
41 conservation standpoint this actually is definitely  
42 warranted. And I believe it was in some of the public  
43 comment that we had sort of expressed those same  
44 concerns.

45

46 CHAIRMAN DEMIENTIEFF: Thank you.  
47 Further discussion.

48

49 Pete.

50

1 MR. PROBASCO: Mr. Chair. I'll wait  
2 until Mr. Edwards is done. I'm trying to follow you on  
3 my notes. I believe you're speaking to Proposal 19?  
4  
5 MR. EDWARDS: Yes.  
6  
7 MR. PROBASCO: And.....  
8  
9 MR. EDWARDS: Yes, that's correct.  
10 Depending upon our action on 19 it seems to me would  
11 dictate whether 20 would be necessary or not.  
12  
13 MR. PROBASCO: Okay. And I just wanted  
14 to clarify your initial motion was to support the  
15 proposal as recommended by the Kodiak/Aleutians  
16 Subsistence Council, they are actually recommending  
17 opposition to Proposal 19.  
18  
19 Mr. Chair.  
20  
21 CHAIRMAN DEMIENTIEFF: Gary.  
22  
23 MR. EDWARDS: Maybe my colleague to the  
24 right pointed out is that maybe the only portion that I  
25 needed to amend was the closure to non-subsistence users,  
26 so it would be consistent, because theirs was one bull  
27 with the closure.  
28  
29 (Pause)  
30  
31 MR. EDWARDS: And, Pete, my understanding  
32 is that, that was what the original proposal was and then  
33 that was later changed to two bulls, I believe.  
34  
35 CHAIRMAN DEMIENTIEFF: Okay. You're  
36 moving to support the Regional Council recommendation  
37 which is to oppose. Do you have something else, Laura.  
38  
39 MS. GREFFENIUS: Mr. Chair. Just to  
40 clarify from what I heard Gary say, just if it helps out,  
41 you stated that you want to move to adopt Proposal 19,  
42 and that was the proposal that was originally submitted  
43 by the Kodiak/Aleutians Council, we haven't delved into  
44 recommended what, but he said he wanted to adopt Proposal  
45 19 and then the amendment that Mr. Edwards offered was to  
46 not have the portion about closing Federal public lands,  
47 so it would be Proposal 19 with a one bull harvest limit.  
48  
49 Does that help clarify it?  
50

1 MR. EDWARDS: I can tell you what I want  
2 to do if you'd like to know that?  
3  
4 (Laughter)  
5  
6 MR. EDWARDS: Whether it's contrary to  
7 what the Council wants or not, what I'm proposing is that  
8 we go to a one bull limit and allow the area to continue  
9 to be open to both subsistence and non-subsistence users.  
10  
11 CHAIRMAN DEMIENTIEFF: Okay. We do have  
12 the motion. I don't think we got a second to the  
13 amendment, I think we need one.  
14  
15 MR. OVIATT: I'll second.  
16  
17 CHAIRMAN DEMIENTIEFF: Okay. Discussion  
18 on the amendment.  
19  
20 (No comments)  
21  
22 CHAIRMAN DEMIENTIEFF: Hearing none, all  
23 those in favor of the amendment -- oh, wait a minute,  
24 Judy, what are we doing?  
25  
26 (Pause)  
27  
28 CHAIRMAN DEMIENTIEFF: We're going to go  
29 ahead and take a few minute break here, we got to  
30 regroup.  
31  
32 (Off record)  
33  
34 (On record)  
35  
36 CHAIRMAN DEMIENTIEFF: We're going to go  
37 ahead and call it a day. We're going to wait until the  
38 morning to see if we can get the RAC representative here.  
39 Michelle is going to try to find him so we can find out  
40 and, Michelle, if he's going to be in later in the day we  
41 can jump into YK or something like that and then come  
42 back to this proposal after that. So we'll just work it  
43 out but we'll give you a chance to go ahead and do that.  
44 But it's been a long day and we're roughly about halfway  
45 through our proposals anyway.  
46  
47 So, okay, we'll go ahead and recess for  
48 the day.  
49  
50 (PROCEEDINGS TO BE CONTINUED)

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C E R T I F I C A T E

UNITED STATES OF AMERICA                    )  
  )ss.  
STATE OF ALASKA                                )

I, Joseph P. Kolasinski, Notary Public in and for  
the State of Alaska and reporter for Computer Matrix  
Court Reporters, do hereby certify:

THAT the foregoing pages numbered 2 through 143  
contain a full, true and correct Transcript of the  
FEDERAL SUBSISTENCE BOARD PUBLIC MEETING, VOLUME I taken  
electronically by Nathan Hile on the 16th day of May  
2006, beginning at the hour of 8:30 o'clock a.m. at the  
Mariott Hotel in Anchorage, Alaska;

THAT the transcript is a true and correct  
transcript requested to be transcribed and thereafter  
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the best of our knowledge and ability;

THAT I am not an employee, attorney, or party  
interested in any way in this action.

DATED at Anchorage, Alaska, this 29th day of May  
2006.

\_\_\_\_\_  
Joseph P. Kolasinski  
Notary Public in and for Alaska  
My Commission Expires: 03/12/2008 \_